39

THE
Campaign Text Book.

WHY THE PEOPLE WANT A CHANGE.

THE REPUBLICAN PARTY REVIEWED:

Its Sins of Commission and Omission.

A SUMMARY OF LEADING EVENTS IN OUR HISTORY UNDER
REPUBLICAN ADMINISTRATION.

ISSUED BY THE
NATIONAL DEMOCRATIC COMMITTEE.

NEW YORK.

1880.

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THE DEMOCRATIC PLATFORM.

Adopted by the National Democratic Convention held at Cincinnati, June 1880.

The Democrats of the United States, in Convention assembled, declare

1. We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party as illustrated by the teachings and example of a long line of Democratic statesmen and patriots, and embodied in the platform of the last National Convention of the party.

2. Opposition to centralization and to that dangerous spirit of encroachment which tends to consolidate the powers of all the departments in one, and thus to create whatever be the form of government, a real despotism. No sumptuary laws ; separation of Church and State for the good of each ; common schools fostered and protected.

3. Home Rule ; honest money, consisting of gold and silver, and paper convertible into coin on demand ; the strict maintenance of the public faith, State and National, and a tariff for revenue only.

4. The subordination of the military to the civil power, and a genuine and thorough reform of the Civil Service.

5. The right to a free ballot is a right preservative of all rights, and must and shall be maintained in every part of the United States.

6. The existing Administration is the representative of conspiracy only, and its claim of right to surround the ballot boxes with troops and Deputy Marshals, to intimidate and obstruct the election, and the unprecedented use of the veto to maintain its corrupt and despotic powers, insult the people and imperil their institutions.

7. We execrate the course of this Administration in making places in the Civil Service a reward for political crime, and demand a reform by statute which shall make it forever impossible for a defeated candidate to bribe his way to the seat of a usurper by billeting villains upon the people.

8. The great fraud of 1876-77, by which, upon a false count of the Electoral votes of two States, the candidate defeated at the polls was declared to be President, and for the first time in American history the will of the people was set aside under a threat of military violence, struck a deadly blow at our system of representative government. The Democratic party, to preserve the country from the horrors of a civil war, submitted for the time in firm and patriotic faith that the people would punish this crime in 1880. This issue precedes and dwarfs every other. It imposes a more sacred duty upon the people of the Union than ever addressed the consciences of a nation of freemen.

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9. The resolution of Samuel J. Tilden not again to be a candidate for the exalted place to which he was elected by a majority of his countrymen, and from which he was excluded by the leaders of the Republican party, is received by the Democrats of the United States with deep sensibility, and they declare their confidence in his wisdom, patriotism and integrity unshaken by the assaults of the common enemy; and they further assure him that he is followed into the retirement he has chosen for himself by the sympathy and respect of his fellow citizens, who regard him as one who, by elevating the standard of public morality and adorning and purifying the public service, merits the lasting gratitude of his country and his party.

10. Free ships and a living chance for American commerce on the seas, and on the land no discrimination in favor of transportation lines, corporations, or monopolies.

11. Amendment of the Burlingame treaty; no more Chinese immigration, except for travel, education, and foreign commerce, and that it even carefully guarded.

12. Public money and public credit for public purposes solely, and public land for actual settlers.

13. The Democratic party is the friend of labor and the laboring man, and pledges itself to protect him alike against the cormorants and the Commune.

14. We congratulate the country upon the honesty and thrift of a Democratic Congress which has reduced the public expenditures $10,000,000 a year; upon the continuation of prosperity at home, and the national honor abroad, and, above all, upon the promise of such a change in the administration of the Government as shall insure us genuine and lasting reform in every department of the public service.

GEN. HANCOCK'S LETTER OF ACCEPTANCE.

General Hancock has written the following letter accepting the Democratic nomination for the Presidency of the United States :

GOVERNOR'S ISLAND,
New York City, July 29, 1880.

Gentlemen: I have the honor to acknowledge the receipt of your letter of July 13, 1880, apprising me formally of my nomination to the office of President of the United States by the National Democratic Convention lately assembled in Cincinnati. I accept the nomination with grateful appreciation of the confidence reposed in me. The principles enunciated by the convention are those I have cherished in the past and shall endeavor to maintain in the future.

The thirteenth, fourteenth and fifteenth amendments to the Constitution of the United States, embodying the results of the war for the Union, are inviolable. If called to the Presidency I should deem it my duty to resist with all my power any attempt to impair or evade the full force and effect of the Constitution, which in every article, section and amendment is the supreme law of the land. The Constitution forms the basis of the Government of the United States. The powers granted by it to the legislative, executive and judicial departments define and limit the authority of the General Government; powers not delegated to the United States by the Constitution, nor prohibited by it to the States, belong to the States respectively or to the people. The General and State governments, each acting in its own sphere without trenching upon the lawful jurisdiction of the other, constitute the Union. This Union, comprising a General Government with general powers, and State governments with State powers for purposes local to the States, is a polity the foundations of which were laid in the profoundest wisdom.

This is the Union our fathers made, and which has been so respected abroad and so beneficent at home. Tried by blood and fire, it stands to day a model form of free popular government, a political system which, rightly administered, has been and will continue to be the admiration of the world. May we not say nearly in the words of Washington : The unity of government which constitutes us one people is justly dear to us ; it is the main pillar in the edifice of our real independence, the support of our peace, safety and prosperity, and of that liberty we so highly prize and intend at every hazard to preserve ?

But no form of government however carefully devised, no principles however sound, will protect the rights of the people unless administration is faithful and efficient. It is a vital principle in our system that neither fraud nor force must be allowed to subvert the rights of the people. When fraud, violence or incompetence controls, the noblest constitutions and wisest laws are useless. The bayonet is not a fit instrument for collecting the votes of freemen. It is only by a full vote, free ballot and fair count that the people can rule in fact as required by the theory of our Government. Take this foundation away and the whole structure falls. Public office is a trust, not a bounty bestowed upon the holder; no incompetent or dishonest persons should ever be intrusted with it, or if appointed they should be promptly ejected. The basis of a substantial, practical, civil service reform must first be established by the people in filling the elective offices; if they fix a high standard of qualifications for office and sternly reject the corrupt and incompetent, the result will be decisive in governing the action of the servants whom they intrust with appointing power.

The war for the Union was successfully closed more than fifteen years ago. All classes of our people must share alike in the blessings of the Union, and are equally concerned in its perpetuity and in the proper administration of public affairs. We are in a state of profound peace. Henceforth let it be our purpose to cultivate sentiments of friendship and not of animosity among our fellow-citizens. Our material interests, varied and progressive, demand our constant and united efforts. A sedulous and scrupulous care of the public credit, together with a wise and economical management of our governmental expenditures, should be maintained, in order that labor may be lightly burdened and that all persons may be protected in their rights to the fruits of their own industry. The time has come to enjoy the substantial benefits of reconciliation. As one people we have common interests. Let us encourage the harmony and generous rivalry among our own industries which will revive our languishing merchant marine, extend our commerce with foreign nations, assist our merchants, manufacturers and producers to develop our vast natural resources and increase the prosperity and happiness of our people.

If elected I shall, with the divine favor, labor with what ability I possess to discharge my duties with fidelity according to my convictions, and shall take care to protect and defend the Union and to see that the laws be faithfully and equally executed in all parts of the country alike. I will assume the responsibility, fully sensible of the fact that to administer rightly the functions of government is to discharge the most sacred duty that can devolve upon an American citizen.

I am very respectfully yours,
WINFIELD S. HANCOCK.

To the Honorable John W. Stevenson, President of the Convention, the Honorable John P. Stockton, Chairman, and others of the Committee of the National Democratic Convention.

HON. WM. H. ENGLISH'S LETTER OF ACCEPTANCE.

INDIANAPOLIS, Ind., July 30, 1880.

Gentlemen: I have now the honor to reply to your letter of the 13th inst., informing me that I was unanimously nominated for the office of Vice-President of the United States by the late Democratic National Convention which assembled at Cincinnati. As foreshadowed in the verbal remarks made by me at the time of the delivery of your letter, I have now to say that I accept the high trust with a realizing sense of its responsibility, and am profoundly grateful for the honor conferred. I accept the nomination upon the platform of principles adopted by the Convention, which I cordially approve, and I accept it as much because of my faith in the wisdom and patriotism of the great statesman and soldier nominated on the same ticket for President of the United States. His eminent services to his country ; his fidelity to the Constitution, the Union and the laws ; his clear perception of the correct principles of government as taught by Jefferson ; his scrupulous care to keep the military in strict subordination to the civil authorities, his high regard for civil liberty, personal rights and rights of property ; his acknowledged ability in civil as well as military affairs, and his pure and blameless life—all point to him as a man worthy of the confidence of the people. Not only a brave soldier, a great commander, a wise statesman and a pure patriot, but a prudent, painstaking, practical man of unquestioned honesty ; trusted often with important public duties, faithful to every trust, and in the full meridian of ripe and vigorous manhood, he is, in my judgment, eminently fitted for the highest office on earth—the Presidency of the United States. Not only is he the right man for the place, but the time has come when the best interests of the country require that the party which has monopolized the Executive Department of the General Government for the last twenty years should be retired. The continuance of that party in power four years longer would not be beneficial to the public or in accordance with the spirit of our republican institutions. Laws of entail have not been favored in our system of government. The perpetuation of property or place in one family or set of men has never been encouraged in this country, and the great and good men who formed our Republican government and its traditions wisely limited the tenure of office, and in many ways showed their disapproval of long leases of power. Twenty years of continuous power is long enough, and has already led to irregularities and corruption which are not likely to be properly exposed under the same party that perpetuated them: besides, it should not be forgotten that the four last years of power held by that party were procured by disreputable means and held in defiance of the wishes of a majority of the people. It was a grievous wrong to every voter and to our system of self-government which should never be forgotten nor forgiven. Many of the men now in office were put there because of corrupt partisan services in thus defeating the fairly and legally expressed will of the majority, and the hypocrisy of the professions of that party in favor of civil service reform was shown by placing such men in office and turning the whole brood of Federal office-holders loose to influence the elections. The money of the people, taken out of the public treasury by these men for services often poorly performed, or not performed at all, is being used in vast sums, with the knowledge and presumed sanction of the Administration, to control the elections, and even the members of the Cabinet are strolling about the country making partisan speeches, instead of being in their departments at Washington discharging the public duties for which they are paid by the people. But with all their cleverness and ability a discriminating public will no doubt read between the lines of their speeches that their paramount hope and aim is to keep themselves or their satellites four years longer in office. Perpetuating the power of chronic Federal office-holders four years longer will not benefit the millions of men and women who hold no office; but earning their daily bread by honest industry, is what the same discerning public will no doubt fully understand, as they will also that it is because of their own industry and economy and God's bountiful harvests that the country is comparatively prosperous, and not because of anything done by these Federal office-holders. The country is comparatively prosperous, not because of them but in spite of them. This contest is in fact between the people endeavoring to regain the political power which rightfully belongs to them, and to restore the pure, simple, economical, constitutional government of our fathers on the one side, and a hundred thousand Federal office-holders and their backers, pampered with place and power, and determined to retain them at all hazards, on the other. Hence the constant assumption of new and dangerous powers by the general government under the rule of the Republican party, the effort to build up what they call a strong government, the interference with home rule and with the administration of justice in the courts of the several states, the interference with the elections through the medium of paid partisan federal office-holders interested in keeping their party in power, and caring more for that than fairness in the elections. In fact, the constant encroachments which have been made by that party upon the clearly reserved rights of the people and the states will, if not checked, subvert the liberties of the people and the government of limited powers created by the fathers, and end in a great consolidated central government—strong, indeed, for evil—and the overthrow of republican institutions. The wise men who formed our Constitution knew the evils of a strong government and the long continuance of political power in the same hands. They knew there was a tendency in this direction in all governments and consequent danger to republican institutions from that cause, and took pains to guard against it. The machinery of a strong centralized general government can be used to perpetuate the same set of men in power from term to term until it ceases to be a republic, or is such only in name, and the tendency of the party now in power in that direction, as shown in various ways, besides the willingness recently manifested by a large number of that party to elect a President an unlimited number of terms, is quite apparent, and must satisfy thinking people that the time has come when it will be safest and best for that party to be retired. But in resisting the encroachments of the General Government upon the reserved rights of the people and the states, I wish to be distinctly understood as favoring the proper exercise by the General Government of the powers rightfully belonging to it under the Constitution. Encroachments upon the Constitutional rights of the General Government or interference with the proper exercise of its powers must be carefully avoided. The union of the States under the Constitution must be maintained, and it is well known that this has always been the position of both the candidates on the Democratic Presidential ticket. It is acquiesced in everywhere now, and finally and forever settled as one of the results of the war. It is certain beyond all question that the legitimate results of the war for the Union will not be overthrown or impaired should the Democratic ticket be elected. In that event proper protection will be given in every legitimate way to every citizen, native or adopted, in every section of the republic, in the enjoyment of all the rights guaranteed by the Constitution and its amendments: a sound currency, of honest money, of a value and purchasing power corresponding substantially with the standard recognized by the commercial world, and consisting of gold and silver and paper convertible into coin, will be maintained; the labor and manufacturing, commercial and business interests of the country will be favored and encouraged in every legitimate way.

The toiling millions of our own people will be protected from the destructive competition of the Chinese, and to that end their immigration to our shores will be properly restricted. The public credit will be scrupulously maintained and strengthened by rigid economy in public expenditure, and the liberties of the people and the property of the people will be protected by a government of law and order, administered strictly in the interest of all people, and not of corporations and privileged classes. I do not doubt the discriminating justice of the people and their capacity for intelligent self-government, and, therefore, do not doubt the success of the Democratic ticket. Its success would bury beyond resurrection the sectional jealousies and hatreds which have so long been the chief stock in trade of pestiferous demagogues, and in no other way can this be so effectually accomplished It would restore harmony and good feeling between all the sections, and make us in fact, as well as in name, one people. The only rivalry then would be in the race for the development of material prosperity, the elevation of labor, the enlargement of human rights, the promotion of education, morality, religion, liberty, order, and all that would tend to make us the foremost nation of the earth in the grand march of human progress.

I am, with great respect, very truly yours,

WILLIAM H. ENGLISH.

To the Honorable John W. Stevenson, President of the Convention, the Honorable John P. Stockton, Chairman, and other members of the Committee of Notification.

LIFE OF WINFIELD S. HANCOCK.

It would be difficult to compress into the space allotted to this sketch even the leading facts of a life so rich in incident and achievement as that of General Hancock. A reasonably full narrative of his great public services would fill a very large volume, every line of which would be interesting and instructive. It is with great reluctance that one undertakes to pick and cull from such a mass of inviting materials, but it is manifestly impossible to offer in this form more than a brief outline of the brilliant career whose principal events are more or less familiar in every American household. The deficiency, however, will be shortly supplied by complete biographies from competent hands, to which the reader who desires a closer study of the noble character of this remarkable man is respectfully referred.

EARLY LIFE.

Winfield Scott Hancock was born near Norristown, Montgomery county, Pennsylvania, on the 14th of February, 1824. Both his grandfathers served in the War of Independence, and his father was out in the War of 1812. He sprang from a race of sturdy citizen soldiers, who had through several generations responded to every call of public dutiy, and it was only natural, considering the traditions of the family, that his own inclinations should be toward the profession of arms. Accordingly, at the age of sixteen, he was appointed a cadet at West Point. He had previously studied at the Norristown Academy, and, by reason of his steady habits and strong will, had received all the advantages which that institution was capable of imparting to one of his years. Among the associates of young Hancock at West Point were Generals Franklin, Smith, Grant, McClellan, Reynolds, Reno and Burnside, distinguished on the Union side in the civil war, and Longstreet, Jackson and the two Hills, who faced their old comrades at the head of the Confederate columns. Hancock graduated well up in a large class in June, 1844, and was immediately commissioned brevet second lieutenant in the Sixth Infantry.

MEXICAN WAR.

Hancock served two years with his regiment in the Indian Territory, a post as disagreeable at that time as any on our extended frontier, until the Mexican war afforded him an opportunity of distinction in the field, as it did to many others whose deeds have brightened the pages of later history. Here he gathered fresh honors in every succeeding engagement, from the Natural Bridge to the capture of the City of Mexico. He was brevetted for Contreras and Cherubusco; but his gallantry was conspicuous in all the battles, and uniformly attracted the admiration, and compelled the respectful mention, of his superiors.

In 1848 and 1849 he was regimental quartermaster; from 1849 to 1855 he served as adjutant. Meanwhile, in 1853, he was promoted to the full rank of first lieutenant, and in 1855 to that of captain. He served in the Florida Indian war of

1856–7; he was in Kansas in 1857, performing, in becoming silence, the duty of a soldier, but looking upon the beginnings of the sectional war in that far-off territory with the deepest concern for the future of the country. His keen eyes penetrated beneath the surface; he felt the drift of things toward inevitable separation, and he was not unprepared for the great conflict when it opened. He accompanied Gen. Johnston's expedition to Utah, and thence marched overland to California, where he remained until the fall of Sumter. It will be observed that his service in the army previous to the civil war carried him to many parts of the country, and was of a character to furnish an observing and thoughtful officer with a vast fund of useful knowledge respecting the wants and interests of the people, and especially of the Great West, where he served through so many of the best years of his life.

COMBATS SECESSION IN CALIFORNIA.

Captain Hancock was not merely ready and able to serve the cause of the Union on the battlefield; he was equally ready and equally able to serve it with voice and pen. When news of the struggle in Charleston Harbor reached him at Los Angeles, where he was then stationed, he first forwarded to Governor Curtin of Pennsylvania his application for a command among the troops of his native State, and threw himself into the work of saving California to the Union. This was no child's play. The State trembled on the very verge of secession. It was largely settled by brave and intelligent Southern men, whose sympathies, with scarcely an exception, followed the new flag which rose amid the smoke of Sumter, and was advancing rapidly to Washington. But for the heroic conduct and the wise measures adopted by Democrats like Field and Hancock, sinking all party differences, and forming a coalition composed of men of all factions, to hold California to her place in the family of States, she would have been dragged out by the tremendous energy of the secession leaders, and the whole character of the subsequent struggle would have been changed. The temptation to British intervention would have been incalculably strengthened, and anybody can estimate the additional strain upon our resources which would have been occasioned by an extension of the war beyond the Rocky Mountains. But there, as in every other similar emergency of his life, Hancock was equal to the civil as well as to the military duty of the hour. His influence, guided and directed by the rare political intelligence which has distinguished his conduct whenever called upon to deal with civil affairs, was cast on the right side, and in a way to be seriously felt.

But Captain Hancock was needed elsewhere. His character was thoroughly understood at Washington, and especially by General Scott, who had not failed to mark him among the brilliant young officers whose behavior commanded his attention in Mexico. The Governor of Pennsylvania did not immediately respond; but an application to the Lieutenant-General of the Army brought an order to report in person at Washington. Before his arrival, however, General McClellan had succeeded General Scott, and upon his recommendation Hancock was, on the 21st of September, 1861, commissioned Brigadier-General of Volunteers, and assigned to a command in the division of General William F. ("Baldy") Smith, then holding at the Chain Bridge one of the most important approaches to Washington.

Gen. Hancock's brigade was composed of one regiment from Pennsylvania, one from New York, one from Maine, and one from Wisconsin. To say that the men of these regiments speedily learned to love him, is to express very mildly the feelings with which good soldiers regard the captain who leads them to honor and fame, while caring for them individually and collectively, with the tenderness of a comrade and a friend. Gen. Hancock wasted no time in the idle shows of the camp. He set to work to bring these regiments into a state of perfect military discipline, and to make them soldiers in fact as well as in name. It was no holiday matter with him, and he wanted this force to be equal to any task that might be assigned to it. Long before it was called into action he was able to say, that it could accomplish whatever an equal number of men could do anywhere on the face of the earth; and its record of splendid achievements fully justifies his early confidence.

SUMMARY OF SERVICES AGAINST THE REBELLION.

Henceforth the history of Gen. Hancock is very nearly the history of the Army of the Potomac, whose marches and battles form the main features of the greatest civil conflict that ever shook the earth. And over all that sanguinary trail from the defences of Washington, over the Peninsula, up into Maryland and Pennsylvania, through the Wilderness, and round about Petersburg, are the evidences of his military genius and personal gallantry. The following is the barest summary of his record during those eventful years:

Battle of Lee's Mills, Va., under McClellan, April 16th, 1862, and subsequent operations before Yorktown.

Williamsburg, May 5th, 1862. Repulsed the enemy at Garnett's Hill, June 27th ; Golding's Farm, June 28th ; Savage's Station, June 29th, and White Oak Swamp, June 30th. Led his brigade at Antietam, September 17th, 1862, until afternoon, when he was placed in command of the first division of the Second Corps. Stormed and carried a portion of the enemy's line, capturing eleven stands of colors, a large number of prisoners, and several thousand stands of small arms. Promoted to the rank of Major-General, November 29th, 1862. Fredericksburg, December 13th. Chancellorsville, May 1st, 2d and 3d, 1863, where he covered the retreat. Assigned to command of the Second Corps, June 10th. Permanent assignment by the President, June 25th. Gettysburg, July 1st, 2d and 3d, where he fell severely wounded. Wilderness, May 5th, 6th and 7th, 1864. Battles of the Po and Spottsylvania, May 10th. Stormed the enemy's works and won a decisive victory at Spottsylvania, May 12th, and repulsed Ewell's assault, May 18th. North Anna, May 23d. Cold Harbor, June 3d. Before Petersburg, June 15th to June 17th. Deep Bottom, July 2d. Reanes' Station, August 25th. Boydton's Plank Road, October 27th. By order of the President assumed command of the Middle Military Division and the Army of the Shenandoah, February 25th, 1865. He was breveted Major-General for Spottsylvania, and was appointed Major-General, vice Sherman, appointed Lieutenant-General in 1866. It is a long and glorious record, of which it would be impossible to give the details without rewriting the familiar history of the Army of the Potomac. But brief outlines of two or three of his great battles will illustrate his method, and show what manner of man he was under an enemy's fire.

WILLIAMSBURG.

In the last days of March, 1862, the Army of the Potomac was landed at Fortress Monroe and extended its lines across the Peninsula. Smith's division, in which was Hancock's brigade, was sent to the left, and took the advance of that wing toward Richmond. For nearly a month it was engaged in desultory but bloody skirmishing with the enemy, in which Hancock's force bore a conspicuous part. On the morning of the 4th of May it was discovered that the Confederates had evacuated the works at Yorktown, and the pursuit began. It was effectually checked, however, on the evening of the same day, when the Union army encountered a second line of works parallel with the first, and extended from the York almost to the James. They consisted of a series of formidable redoubts, with a deep ravine and a stream in the front. In the center was a powerful regueur work, mounted with heavy guns. Before this the weary army bivouacked that night in mud and rain ; and the next morning Hooker hurled himself against it, only to receive a bloody repulse. Meanwhile Hancock had been ordered to reconnoitre the Confederate left, with a separate command, consisting of his own brigade, two additional regiments, and two light batteries. He had felt his way very carefully for about a mile, when he came upon a fortification, visible through a vista in the woods, protected by a ravine in front, which was filled with water held by a dam. The place was strong but not sufficiently guarded. Hancock pushed over the dam, dragged his artillery up the steep beyond, carried the redoubt, formed again inside the enemy's line of works, and moved rapidly toward the enemy's center at Fort Magruder. By this bold movement the Confederate left was turned, and the whole line must be abandoned or Hancock must be dislodged. He pressed forward to a position within twelve hundred yards of Fort Magruder, where he planted his batteries and opened a tremendous fire, to which the enemy responded with their artillery. There the conflict raged all the day. He was in a position, if reinforced, to drive the enemy from their works ; or, if not reinforced, to be himself annihilated. But, notwithstanding urgent messages, no reinforcements came, and at five o'clock in the afternoon Hancock reluctantly withdrew the batteries.

But all this while the enemy had been quietly making his dispositions to crush the bold intruder, who had thrust himself into a position from which there was apparently no retreat, and at the first retrograde movement of the artillery he burst from the woods on Hancock's right in two solid lines of battle. They swept forward under a deadly fire, and enveloped the guns, which barely escaped through a small gap, as yet unclosed. Hancock maintained a steady front, and a no less steady fire, but fell back slowly to the crest of the gentle ridge in his rear. The Confederates came on furiously with their overwhelming numbers, shouting, "Bull Run ! Bull Run ! That flag is ours !" Hancock halted and steadied his command at the crest for one brief moment. The enemy were but forty yards distant; the next instant would decide the day. He dashed from his place behind the line, and riding bare-headed along the blazing front, shouted, "Forward ! Forward ! For God's sake, Forward !" No sooner did the men recognize his heroic figure, than they sent up a grand cheer above the din of the musketry, and advanced in perfect order to the charge. It was a spectacle seldom witnessed in all the history of war. An inferior force, cut off from support, with the enemy between it and its own lines, suddenly pausing in an almost hopeless retreat, and then recovering the lost field by one magnificent, irresistible charge ! But the feat was accomplished, and it was due not less to Hancock's previous discipline than to his wise conduct and splendid example in the engagement itself. His victory was complete. The Confederates recoiled before the unexpected shock of Hancock's advance, and fell back, leaving the field covered with their dead and wounded. After the battle the long desired reinforcements arrived, when it was too late to follow up the advantage. But Hancock had gained a position which rendered the Williamsburg lines untenable, and during the night the enemy evacuated them and resumed his retreat.

GETTYSBURG.

It will hardly be disputed that the battle of Gettysburg was pre-eminently Hancock's, and that to him more than to any other, under God, must be ascribed that most decisive victory of the war. On the morning of July 1st he was in camp with his Second Corps at Taneytown, Gen. Meade's headquarters, when news came of the collision at Gettysburg. General Meade, upon hearing of the death of General Reynolds, who was at Gettysburg in command of the First, Third and Eleventh Corps, ordered General Hancock forward to take command. He examined the maps of the country as he was hurried along in an ambulance, and had probably made up his mind as to the value of all the strategic points before he ever saw Gettysburg. Arriving there he found the Union troops in full retreat. Reynolds was dead and everything in confusion. "At this moment," says a distinguished participant in the battle, "our defeat seemed complete. Our troops were flowing through the streets of the town in great disorder, closely pursued by the Confederates, the retreat fast becoming a rout, and in a very few minutes the enemy would have been in possession of Cemetery Hill, the key to the position, and the battle of Gettysburg would have gone into history as a rebel victory. But what a change came over the scene in the next half hour! The presence of Hancock, like that of Sheridan, was magnetic. Order came out of chaos. The flying troops halt, and again face the enemy. The battalions of Howard's corps that were retreating down the Baltimore pike are called back, and with a cheer go into position on the crest of Cemetery Hill, where the division of Steinwehr had already been stationed. Wadsworth's division and a battery are sent to hold Culp's Hill, and Geary, with the White Star division, goes on the double-quick to occupy the high ground toward Round Top. Confidence is restored, the enemy checked, and being deceived by these dispositions, cease their attack.

Hancock's previous conceptions of the ground were confirmed by actual observation, and he not only advised Meade that he should fight there, but with the promptness and decision which characterized all his movements, he proceeded, without orders, to make such dispositions as really left Gen. Meade very little choice in the matter. The latter, however, accepted the suggestions of his lieutenant, and placed Gen. Hancock in command of the left center, where again on the evening of the second day he restored to the Union army the fortunes of battle which were well-nigh lost forever. But it was on the third day that Gen. Hancock's great opportunity arrived, and he performed for his country a service which alone would render his name immortal—a service so grand in the manner of it, and so far-reaching and precious in its consequences, that no man has ever yet attempted to describe it or to weigh it, without feeling deeply the inadequacy of words for the purpose. At all events, it cannot here be more fitly set forth than in the following language of his brave and devoted comrade, Major-General St. Clair A. Mulholland, who affirms that which he saw:

"About noon we could see considerable activity along Seminary Ridge. Battery after battery appeared along the edge of the woods. Guns were unlimbered, placed in position and the horses taken to the rear. On our side, officers sat around in groups and, through field glasses, anxiously watched these movements in our front and wondered what it all meant. Shortly after 1 o'clock, however, we knew all about it. The headquarter wagons had just come up and General Gibbons had invited Hancock and staff to partake of some lunch. The bread that was handed around—if it ever was eaten—was consumed without butter, for as the orderly was passing the latter article to the gentlemen, a shell from Seminary Ridge cut him in two. Instantly the air was filled with bursting shells; the batteries that we had been watching for the last two hours going into position in our front did not open singly or spasmodically. The whole hundred and twenty guns, which now began to play upon us, seemed to be discharged simultaneously, as though by electricity. And then for nearly two hours the storm of death went on. I have read many accounts of this artillery duel, but the most graphic description by the most able writers falls far short of the reality. No tongue or pen can find language strong enough to convey any idea of its awfulness. Streams of screaming projectiles poured through the hot air, falling and bursting everywhere. Men and horses were torn limb from limb; caissons exploded one after another in rapid succession, blowing the gunners to pieces. No spot within our lines was free from this frightful iron rain. The infantry hugged close the earth and sought every slight shelter that our light earthworks afforded. It was literally a storm of shot and shell that the oldest soldiers there—those who had taken part in almost every battle of the war—had not yet witnessed. That awful, rushing sound of the flying missiles, which causes the firmest hearts to quail, is everywhere.

"At this tumultuous moment we witness a deed of heroism such as we are apt to attribute only to knights of the olden time. Hancock, mounted and accompanied by his staff, Major Mitchell, Captain Harry Bingham, Captain Isaac Parker and Captain E. P. Bronson, with the corps flag flying in the hands of a brave Irishman, Private James Wells, of the Sixth New York Cavalry, started at the right of his line, where it joins the Taneytown road, and slowly rode along the terrible crest to the extreme left of his position, while shot and shell roared and crashed around him, and every moment tore great gaps in the ranks at his side.

" Storm'd at with shot and shell,
Boldly they rode, and well."

It was a gallant deed, and withal not a reckless exposure of life, for the presence and calm demeanor of the commander as he passed through the lines of his men set them an example which an hour later bore good fruit and nerved their stout hearts to win the greatest and most decisive battle ever fought on this continent. For an hour after the firing began our batteries replied vigorously and then ceased altogether, but the rebel shells came by as numerous as ever. Then for over a half hour, not a soul was seen stirring on our line. We might have been an army of dead men for all the evidence of life visible. Suddenly the enemy stopped their fire, which had been going on for nearly two hours without intermission, and then the long lines of their infantry—eighteen thousand strong—emerged from the woods and began their advance.

"At this moment silence reigned along our whole line. With arms at a "right shoulder shift," the division of Longstreet's corps moved forward with a precision that was wonderfully beautiful. It is now our turn, and the lines that a few moments before seemed so still now teemed with animation. Eighty of our guns open their brazen mouths; solid shot and shell are sent on their errand of destruction in quick succession. We see them fall in countless numbers among the advancing troops. The accuracy of our fire could not be excelled; the missiles strike right in the ranks, tearing and rending them in every direction. The ground over which they have passed is strewn with dead and wounded. But on they come. The gaps in the ranks are closed as soon as made. They have three-quarters of a mile to pass exposed to our fire, and half the distance is nearly passed. Our gunners now load with canister, and the effect is appalling; but still they march on. Their gallantry is past all praise—it is sublime. Now they are within a hundred yards. Our infantry rise up and pour round after round into these heroic troops.

"At Waterloo the Old Guard recoiled before a less severe fire. But there was no recoil in these men of the South—they marched right on as though they courted death. They concentrate in great numbers and strike on the most advanced part of our line. The crash of the musketry and the cheers of the men blend together. The Philadelphia brigade occupy this point. They are fighting on their own ground and for their own state, and in the bloody hand-to-hand engagement which ensues, the Confederates, though fighting with desperate valor, find it impossible to dislodge them—they are rooted to the ground. Seeing how utterly hopeless further effort would be, and knowing the impossibility of reaching their lines should they attempt a retreat, large numbers of the rebels lay down their arms, and the battle is won. To the left of the Philadelphia brigade we did not get to such close quarters. Seeing the utter annihilation of Pickett's troops the division of Wilcox and others on their right went to pieces almost before they got within musket range. A few here and there ran away and tried to regain their lines, but many laid down their arms and came in as prisoners. At the most critical moment Hancock fell among his men, on the line of Stannard's Vermont brigade, desperately wounded, but he continued to direct the fight until victory was assured, and then he sent Major Mitchell to announce the glad tidings to the commander of the army. Said he: "Tell General Meade that the troops under my command have repulsed the assault of the enemy, who are now flying in all directions in my front." "Say to General Hancock," said Meade, in reply, "I regret exceedingly that he is wounded, and I thank him for the country and myself for the service he has rendered this day."

That charge was the military culmination of the rebellion, and its defeat was the turning point of the war for the Union. Hancock was formally thanked by Meade, by Congress, by Pennsylvania, by Philadelphia ; a grateful people everywhere. And he well might be thanked, for it may be said that when he lay down with his shattered thigh in the ambulance to be carried from that stricken field, he had but then saved the army from disaster, and the country from dismemberment.

SPOTTSYLVANIA.

Having partially recovered from his Gettysburg wound Gen. Hancock was in command of his corps through all the terrible battles of the Wilderness, and on the 12th of May, 1864, he achieved the most brilliant as well as the most substantial victory of the campaign. At eleven of that morning he assaulted the enemy's works at Spottsylvania with the Second Corps, and carried them by storm, capturing a major-general and a brigadier, four thousand prisoners, thirty stands of colors and twenty pieces of artillery.

Williamsburg, Gettysburg, Spottsylvania ! These, in the brief outline presented here, must suffice to show the character of Hancock's fighting. A perfect narrative of his career, including accounts of his personal daring on the many fields where he was engaged, would read more like tales of knightly emprise than like the sober chronicles of modern warfare.

It cannot be doubted that General Hancock might have received the command of the Army of the Potomac at almost any time after the removal of McClellan. In fact the President and Cabinet seriously contemplated the appointment, notwithstanding Hancock's well-known democratic opinions. But he was a simple, single-hearted soldier, having neither taste nor talent for political intrigue, or indeed for intrigue of any description, and ever faithful to his comrades in the field, he personally urged the retention of Gen. Meade. He remained with the Army of the Potomac, participating conspicuously in all its engagements, until the 26th of November, 1864, when he was ordered to Washington, and directed by the President to enlist and organize a corps of veterans fifty thousand strong. He was relieved from this service before it was completed and placed in command of the Middle Military Division, embracing the departments of West Virginia, Pennsylvania and Washington, with headquarters at Winchester. This gave him the army of the Shenandoah, numbering nearly a hundred thousand men, and would have proved, had the war continued, a most important command, as it was intended to be. But the sudden collapse of Lee's lines and the surrender at Appomatox put an end to the struggle, and happily Hancock was never required to lead his new army into battle.

As commander of this Military Division he was called to Washington after the assassination of the President, where in obedience not only to official orders, but a universal public sentiment, he remained on duty until the general apprehension arising from that terrible event had been entirely allayed. With the execution of the conspirators, tried and sentenced by a military commission, organized under orders directly from the War Department, he had no immediate connection. The President approved the findings, ordered the execution, and in the case of Mrs. Surratt suspended the writ of *habeas corpus* issued by the civil magistrate. Gen. Hancock did all that lay in his power to save that unfortunate woman from the sudden and ignominious death to which she was hurried by his superiors, and even placed a line of mounted men between the White House and the Arsenal to convey the reprieve in case the President's mind should undergo a change at the last moment.

In July, 1865, Gen. Hancock was transferred to the command of the Middle Department, headquarters at Baltimore, and a year afterward, being then a full major-general in the regular army, to the Department of Missouri, where he conducted various campaigns against hostile Indians in Kansas, Colorado and the Indian Territory.

LOUISIANA AND TEXAS.

And now Gen. Hancock entered upon a new field of duty, and won for himself a still stronger title to the lasting gratitude of his countrymen. The states lately in rebellion were at the mercy of the government at Washington, and the policy of that government was founded in partisan rather than patriotic considerations. They were treated as being outside of the Union, to which the war had been waged to restore them, and they were subjected to the operation of a system of laws and administration which, as Mr. Stevens, its principal author, confessed, was "outside of the Constitution." They were cut up into military districts, whose commanders were invested with absolute power, and were expected by those in authority to exercise it with extreme vigor. It was a pure despotism, erected over a large part of the Union, utterly unknown to our previous history, and utterly repugnant to the whole spirit of our institutions. It was itself an institution imported from the old world to serve a party purpose. The people were denied representation, state lines were ignored, state governments extinguished, local institutions were permitted to exist only by grace, and the rights of men were held solely at the will of a single military officer, responsible not to any civil power, not even to the President himself, but to the General of the Army, whom for this purpose the radical Congress had invested with authority belonging to the Chief Magistrate. The avowed object of this monstrous system was to prevent the return of the seceded states to the Union until their political complexion should be made acceptable to the leaders of the Republican party. To this end the whites were largely disfranchised; the blacks were enfranchised, and the whole order of government and of society completely subverted. And all this, although there was not an armed or a declared enemy to the Federal government anywhere within the limits of the United States!

It was under such circumstances that Gen. Hancock was ordered to take command of the Fifth Military District, comprising the great states of Louisiana and Texas. He found in them the peace of the United States as profound as it had ever been since the defeat of the British by his forerunner and prototype, Andrew Jackson. As to the states there was practically none whose peace could be disturbed. There were disorders of a very serious nature, but they arose mainly from the absence of civil government and the overthrow of civil institutions. There was no authority, nor emblem of authority, but the naked sword of the conqueror, and while it impended, promising only the execution of the unstable decrees of a distant and hostile faction, there might be for this people the order of Poland and the peace of Ireland, but none other. It was a situation to try not merely the moral character but the genius of the greatest man of affairs that ever undertook the pacification of a troubled country. Here was a great and a proud people at his feet, without government except that furnished by the force at his command, and without laws except those supplied by his will, and behind him an arrogant political directory, wielding the whole power of the United States, and demanding that he should regard nothing but its partisan interests.

When Gen. Hancock took up the so-called Reconstruction laws, and examined them with the remarkable acumen which he brought to bear to the resolution of legal questions, he ascertained that while they empowered him to displace the civil authorities they did not require him to do so. Holding as he did that no officer, civil or military, had a right to transcend the Constitution, under any circumstances, he yet saw that under these laws there were powers which might properly be exercised, and he was quite willing to assume such as were not "outside" the Federal charter. In other words, he took up that which clearly belonged to him and left that which was as clearly forbidden.

Accordingly, the first act of the new military ruler—whose disposition must have been a subject of painful anxiety to the people he was sent to govern—was to define the nature and extent of the powers he intended to assume. It was done as follows, in "General Orders No. 40," a state paper now as famous as any in the history of England or America :

GENERAL ORDER NO. 40.

1. In accordance with General Order No. 81, Headquarters of the Army, Adjutant-General's Office, Washington, D. C., August 27, 1867, Major-General W. S. Hancock hereby assumes command of the Fifth Military District and of the department composed of the States of Louisiana and Texas.

2. The General commanding is gratified to learn that peace and quiet reign in this department. It will be his purpose to preserve this condition of things. As a means to this great end he regards the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances. In war it is indispensable to repel force by force, and overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead and the civil administration resume its natural and rightful dominion. Solemnly impressed with these views, the General announces that the great principles of American liberty are still the lawful inheritance of this people, and ever should be. The right of trial by jury, the habeas corpus, the liberty of the press, the freedom of speech, the natural rights of persons and the rights of property must be preserved. Free institutions, while they are essential to the prosperity and happiness of the people, always furnish the strongest inducements to peace and order. Crimes and

offenses committed in this district must be referred to the consideration and judgment of the regular civil tribunals, and those tribunals will be supported in their lawful jurisdiction. While the General thus indicates his purpose to respect the liberties of the people, he wishes all to understand that armed insurrection or forcible resistance to the law will be instantly suppressed by arms.

By command of Major-General W. S. HANCOCK.

General Hancock had struck out the true, indeed the only feasible, policy of reconstruction in the few bold and pregnant sentences of this Order, and the country instantly recognized the fact. When the document reached the President he embodied the universal sentiment of sober and considerate citizens in the following special message to Congress :

PRESIDENT JOHNSON'S MESSAGE.

Gentlemen of the Senate and of the House of Representatives :

An official copy of the order issued by Major-General Winfield S. Hancock, commander of the fifth military district, dated headquarters in New Orleans, Louisiana, on the 29th day of November, has reached me through the regular channels of the War Department, and I herewith communicate it to Congress for such action as may seem to be proper in view of all the circumstances.

It will be perceived that General Hancock announces that he will make the law the rule of his conduct ; that he will uphold the courts and other civil authorities in the performance of their proper duties ; and that he will use his military power only to preserve the peace and enforce the law. He declares very explicitly that the sacred right of the trial by jury and the privilege of the writ of habeas corpus shall not be crushed out or trodden under foot. He goes further, and, in one comprehensive sentence, asserts that the principles of American liberty are still the inheritance of this people, and ever should be.

When a great soldier with unrestricted power in his hands to oppress his fellow-men voluntarily foregoes the chance of gratifying his selfish ambition and devotes himself to the duty of building up the liberties and strengthening the laws of his country, he presents an example of the highest public virtue that human nature is capable of practicing. The strongest claim of Washington to be "first in war, first in peace, and first in the hearts of his countrymen," is founded on the great fact that in all his illustrious career he scrupulously abstained from violating the legal and constitutional rights of his fellow-citizens. When he surrendered his commission to Congress, the President of that body spoke his highest praise in saying that he had "always regarded the rights of the civil authorities through all dangers and disasters." Whenever power above the law courted his acceptance, he calmly put the temptation aside By such magnanimous acts of forbearance he won the universal admiration of mankind and left a name which has no rival in the history of the world.

I am far from saying that General Hancock is the only officer of the American army who is influenced by the example of Washington. Doubtless thousands of them are faithfully devoted to the principles for which the men of the Revolution laid down their lives. But the distinguished honor belongs to him of being the first officer in high command south of the Potomac since the close of the civil war who has given utterance to these noble sentiments in the form of a military order.

I respectfully suggest to Congress that some public recognition of General Hancock's patriotic conduct is due, if not to him, to the friends of law and justice throughout the country. Of such an act as his, at such a time, it is but fit that the dignity should be vindicated and the virtue proclaimed, so that its value as an example may not be lost to the nation.

ANDREW JOHNSON.

WASHINGTON, D. C., December 18, 1867.

In practice Gen. Hancock's novel plan worked almost perfectly. "Free institutions, while they are essential to the prosperity and happiness of the people, *always* furnish the strongest inducements to peace and order." No publicist ever stated this cardinal truth in clearer language, and no statesman ever applied it more wisely, or with more immediate and happy results. Finding a friend and protector where they had expected an enemy and a persecutor, a scrupulous servant of the law, where they had looked for an unrestrained despot, the inhabitants of Louisiana and Texas heartily resumed their allegiance, and went cheerfully about the work of real and substantial reconstruction. The courts resumed their regular procedure; the civil authorities maintained order; crimes of all descriptions and degrees became less frequent; elections were peaceable and honest; the jealousies of the two races, now that the neck of the one was no longer forcibly held under the heel of the other, visibly declined, and the eve of genuine restoration seemed actually at hand. When we reflect upon the long years of misrule which this policy of Hancock's would have saved to the South; upon the untold millions of money wasted by the licentious carpet-baggers, and upon the hideous tortures inflicted by the cloud of vultures invited by the Republican party to flesh their obscene beaks upon this prostrate people, after it was disapproved and reversed, we can form some faint conception of its real value. Had it been pursued to its legitimate consequences, the work of a decade might have been completed in a year, and history would have had to record none of the oppressions, plunderings, and stupendous election frauds—including the great fraud of 1876—which burden the annals of carpet-bag and bayonet government. But while Gen. Hancock was restoring the states rapidly enough, he was restoring them without the smallest regard to partisan political consequences, and the radical directory at Washington, through the generals of the army, hampered and humiliated him at every turn. The President, who appreciated his inestimable services as they deserved, was unable to protect him from these blows in the back, and Hancock was at length compelled to ask for his own recall.

LETTER TO GOVERNOR PEASE.

Meanwhile Gen. Hancock had written his celebrated letter to Gov. Pease. Long as it is, it is here given in full, as illustrating his grasp of constitutional and legal principles, his fine judicial temper, and his masterly style of argumentation:

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., March 9, 1868.

To His Excellency, E. M. PEASE, Governor of Texas:

SIR:—Your communication of the 17th January last was received in due course of mail (the 27th January), but not until it had been widely circulated by the newspaper press. To such a letter—written and published for manifest purposes—it has been my intention to reply as soon as leisure from more important business would permit.

Your statement that the act of Congress "to provide for the more efficient government of the rebel states," declares that whatever government existed in Texas was provisional; that peace and order should be enforced; that Texas should be part of the Fifth Military District, and subject to military power; that the President should appoint an officer to command in said district, and detail a force to protect the rights of person and property, suppress insurrection and violence, and punish offenders, either by military commission or through the action of local civil tribunals, as in his judgment might seem best, will not be disputed. One need only read the act to perceive it contains such provisions. But how all this is supposed to have made it my duty to order the military commission requested, you have entirely failed to show. The power to do a thing, if shown, and the propriety of doing it, are often very different matters. You observe you are at a loss to understand how a government, without representation in Congress, or a militia force, and subject to military power, can be said to be in the full exercise of all its proper powers. You do not reflect that this government, created or permitted by Congress, has all the powers which the act intends, and may fully exercise them accordingly. If you think it ought to have more powers, should be allowed to send members to Congress, wield a militia force, and possess yet other powers, your complaint is not to be preferred against me, but against Congress, who made it what it is.

As respects the issue between us, any question as to what Congress ought to have done has no pertinence. You admit the act of Congress authorizes me to try an offender by military commission, or allow the local civil tribunals to try, as I shall deem best; and you cannot deny the act expressly recognizes such local civil tribunals as legal authorities for the purpose specified. When you contend there are no legal local tribunals for any purpose in Texas, you must either deny the plain reading of the act of Congress or the power of Congress to pass the act.

You next remark that you dissent from my declaration, "that the country (Texas) is in a state of profound peace," and proceed to state the grounds of your dissent. They appear to me not a little extraordinary. I quote your words: "It is true there no longer exists here (Texas) any organized resistance to the authority of the United States." "But a large majority of the white population who participated in the late rebellion, are embittered against the government, and yield to it an unwilling obedience." Nevertheless, you concede they do yield it obedience. You proceed:

"None of this class have any affection for the government, and very few any respect for it. They regard the legislation of Congress on the subject of reconstruction as unconstitutional and hostile to their interests, and consider the government now existing here under authority of the United States as a usurpation on their rights. They look on the emancipation of their late slaves and the disfranchisement of a portion of their own class, as an act of insult and oppression."

And this is all you have to present for proof that war and not peace prevails in Texas; and hence it becomes my duty—so you suppose—to set aside the local civil tribunals, and enforce the penal code against citizens by means of military commissions.

My dear sir, I am not a lawyer, nor has it been my business, as it may have been yours, to study the philosophy of statecraft and politics. But I may lay claim, after an experience of more than half a lifetime, to some poor knowledge of men, and some appreciation of what is necessary to social order and happiness. And for the future of our common country, I could devoutly wish that no great number of our people have yet fallen in with the views you appear to entertain. Woe be to us whenever it shall come to pass that the power of the magistrate—civil or military—is permitted to deal with the mere opinions or feelings of the people.

I have been accustomed to believe that sentiments of respect or disrespect, and feelings of affection, love or hatred, so long as not developed into acts in violation of law, were matters wholly beyond the punitory power of human tribunals.

I will maintain that the entire freedom of thought and speech, however acrimoniously indulged, is consistent with the noblest aspirations of man, and the happiest condition of his race.

When a boy, I remember to have read a speech of Lord Chatham, delivered in Parliament. It was during our Revolutionary War, and related to the policy of employing the savages on the side of Britain. You may be more familiar with the speech than I am. If I am not greatly mistaken, his lordship denounced the British Government—his government—in terms of unmeasured bitterness. He characterized its policy as revolting to every sentiment of humanity and religion; proclaimed it covered with disgrace, and vented his eternal abhorrence of it and its measures. It may, I think, be safely asserted that a majority of the British nation concurred in the views of Lord Chatham. But who ever supposed that profound peace was not existing in that kingdom, or that the government had any authority to question the absolute right of the opposition to express their objections to the propriety of the king's measures in any words, or to any extent they pleased? It would be difficult to show that the opponents of the government in the days of the elder Adams, or Jefferson, or Jackson, exhibited for it either "affection" or "respect." You are conversant with the history of our past parties and political struggles touching legislation on alienage, sedition, the embargo, national banks, our wars with England and Mexico, and cannot be ignorant of the fact, that for one party to assert that a law or system of legislation is unconstitutional, oppressive and usurpative, is not a new thing in the United States. That the people of Texas consider acts of Congress unconstitutional, oppressive, or insulting to them, is of no consequence to the matter in hand, The President of the United States has announced his opinion that these acts of Congress are unconstitutional. The Supreme Court, as you are aware, not long ago decided unanimously that a certain military commission was unconstitutional. Our people everywhere, in every state, without reference to the side they took during the rebellion, differ as to the constitutionality of these acts of Congress. How the matter really is, neither you nor I may dogmatically affirm.

If you deem them constitutional laws, and beneficial to the country, you not only have the right to publish your opinions, but it might be your bounden duty as a citizen to do so. Not less is it the privilege and duty of any and every citizen, wherever residing, to publish his opinion freely and fearlessly on this and every question which he thinks concerns his interest. This is merely in accordance with the principles of our free government; and neither you nor I would wish to live under any other. It is time now, at the end of almost two years from the close of the war, we should begin to recollect what manner of people we are; to tolerate again free, popular discussion, and extend some forbearance and consideration to opposing views. The maxims that in all intellectual contests truth is mighty and must prevail, and that error is harmless when reason is left free to combat it, are not only sound, but salutary. It is a poor compliment to the merits of such a cause, that its advocates would silence opposition by force; and generally those only who are in the wrong would resort to this ungenerous means. I am confident you will not commit your serious judgment to the proposition that any amount of discussion, or any sort of opinions, however unwise in your judgment, or any assertion or feeling, however resentful or bitter, not resulting in a breach of law, can furnish justification for your denial that profound peace exists in Texas. You might as well deny that profound peace exists in New York, Pennsylvania, Maryland, California, Ohio and Kentucky, where a majority of the people differ with a minority on these questions; or that profound peace exists in the House of Representatives or the Senate at Washington, or in the Supreme Court, where all these questions have been repeatedly discussed, and parties respectfully and patiently heard. You next complain that in parts of the state (Texas) it is difficult to enforce the criminal laws; that sheriffs fail to arrest; that grand jurors will not always indict; that in some cases the military acting in aid of the civil authorities have not been able to execute the process of the courts; that petit jurors have acquitted persons adjudged guilty by you; and that other persons charged with offences have broke jail and fled from persecution. I know not how these things are; but admitting your representations literally true, if for such reasons I should set aside the local civil tribunals and order a military commission, there is no place in the United States where it might not be done with equal propriety. There is not a state in the Union—North or South—where the like facts are not continually happening. Perfection is not to be predicted of man or his works. No one can reasonably expect certain and absolute justice in human transactions; and if military power is to be set in motion, on the principles for which you would seem to contend, I fear that a civil government, regulated by laws, could have no abiding place beneath the circuit of the sun. It is rather more than hinted in your letter, that there is no local state government in Texas, and no local laws outside of the acts of Congress, which I ought to respect; and that I should undertake to protect the rights of persons and property in *my own way* and in an *arbitrary manner.* If such be your meaning, I am compelled to differ with you. After the abolition of slavery (an event which I hope no one now regrets), the laws of Louisiana and Texas existing prior to the rebellion and not in conflict with the acts of Congress, comprised a vast system of jurisprudence, both civil and criminal. It required not volumes only, but libraries to contain them. They laid down principles and precedents for ascertaining the rights and adjusting the controversies of men in every conceivable case. They were the creations of great and good and learned men, who had labored, in their day, for their kind, and gone down to the grave long before our recent troubles, leaving their works an inestimable legacy to the human race. These laws, as I am informed, connected the civilization of past and present ages, and testified of the justice, wisdom, humanity and patriotism of more than one nation, through whose records they descended to the present people of the states. I am satisfied, from the representations of persons competent to judge, they are as perfect a system of laws as may be found elsewhere, and better suited than any other to the condition of this people, for by them they have long been governed. Why should it be supposed Congress has abolished these laws? Why should any one wish to abolish them? They have committed no treason, nor are hostile to the United States, nor countenance crime, nor favor injustice. On them, as on a foundation of rock, reposes almost the entire superstructure of social order in these two States. Annul this code of local laws, and there would be no longer any rights, either of person or property, here. Abolish the local civil tribunals made to execute them, and you would virtually annul the laws, except in reference to the very few cases cognizable in the Federal courts. Let us for a moment suppose the whole local civil code annulled, and that I am left, as commander of the Fifth Military District, the sole fountain of law and justice. This is the position in which you would place me.

I am now to protect all rights and redress all wrongs. How is it possible for me to do it? Innumerable questions arise, of which I am not only ignorant, but to the solution of which a military court is entirely unfitted. One would establish a will, another a deed ; or the question is one of succession, or partnership, or descent, or trust ; a suit of ejectment or claim to chattels ; or the application may relate to robbery, theft, arson, or murder. How am I to take the first step in any such matter? If I turn to the acts of Congress I find nothing on the subject. I dare not open the authors on the local code, for it has ceased to exist!

And you tell me that in this perplexing condition I am to furnish by dint of my own hasty and crude judgment, the legislation demanded by the vast and manifold interests of the people ! I repeat, sir, that you, and not Congress, are responsible for the monstrous suggestion that there are no local laws or institutions here to be respected by me, outside the acts of Congress. I say unhesitatingly, if it were possible that Congress should pass an act abolishing the local codes for Louisiana and Texas—which I do not believe—and it should fall to my lot to supply their places with something of my own, I do not see how I could do better than follow the laws in force here prior to the rebellion, excepting whatever therein shall relate to slavery. Power may destroy the forms, but not the principles of justice ; these will live in spite even of the sword. History tells us that the Roman pandects were lost for a long period among the rubbish that war and revolution had heaped upon them, but at length were dug out of the ruins—again to be regarded as a precious treasure.

You are pleased to state that " since the publication of (my) General Orders No. 40, there has been a perceptible increase of crime and manifestations of hostile feeling toward the government and its supporters," and add that it is "an unpleasant duty to give such a recital of the condition of the country."

You will permit me to say that I deem it impossible the first of these statements can be true, and that I do very greatly doubt the correctness of the second. General Orders No. 40 was issued at New Orleans, November 29, 1867, and your letter was dated January 17, 1868. Allowing time for Order No. 40 to reach Texas and become generally known, some additional time must have elapsed before its effect would be manifested, and yet a further time must transpire before you would be able to collect the evidence of what you term "the condition of the country;" and yet, after all this, you would have to make the necessary investigations to ascertain if Order No. 40 or something else was the cause. The time, therefore, remaining to enable you, before the 17th of January, 1868, to reach a satisfactory conclusion on so delicate and nice a question must have been very short. How you proceeded, whether you investigated yourself or through third persons, and if so, who they were, what their competency and fairness, on what evidence you rested your conclusion, or whether you ascertained any facts at all, are points upon which your letter so discreetly omits all mention, that I may well be excused for not relying implicitly upon it; nor is my difficulty diminished by the fact that in another part of your letter you state that ever since the close of the war a very large portion of the people have had no affection for the government, but bitterness of feeling only. Had the duty of publishing and circulating through the country long before it reached me, your statement that the action of the district commander was increasing crime and hostile feeling against the government, been less painful to your sensibilities, it might possibly have occurred to you to furnish something on the subject in addition to your bare assertion.

But what was Order No. 40, and how could it have the effect you attribute to it ? It sets forth that " the great principles of American liberty are still the inheritance of this people and ever should be ; that the right of trial by jury, the habeas corpus, the liberty of the press, the freedom of speech, and the natural rights of persons and property must be preserved." Will you question the truth of these declarations? Which one of these great principles of liberty are you ready to deny and repudiate? Whoever does so, avows himself the enemy of human liberty and the advocate of despotism. Was there any intimation in General Orders No. 40 that any crimes or breaches of law would be countenanced? You know that there was not. On the contrary, you know perfectly well that while "the consideration of crime and offences committed in the Fifth Military District was referred to the judgment of the regular civil tribunals," a pledge was given in Order No. 40, which all understood, that tribunals would be supported in their lawful jurisdiction, and that "forcible resistance to law would be instantly suppressed by arms." You will not affirm that this pledge has ever been forfeited. There has not been a moment since I have been in command of the Fifth District when the whole military force in my hands has not been ready to support the civil authorities of Texas in the execution of the laws. And I am unwilling to believe they would refuse to call for aid if they needed it.

There are some considerations which, it seems to me, should cause you to hesitate before indulging in wholesale censure against the civil authorities of Texas. You are yourself the chief of these authorities, not elected by the people, but created by the military. Not long after you had thus come into office, all the judges of the Supreme Court of Texas—five in number—were removed from office, and new appointments made; twelve of the seventeen district judges were removed, and others appointed. County officers, more or less, in seventy-five out of one hundred and twenty eight counties, were removed, and others appointed in their places. It is fair to conclude that the executive and judicial civil functionaries in Texas are the persons whom you desired to fill the offices. It is proper to mention, also, that none but registered citizens, and only those who could take the test oath, have been allowed to serve as jurors during your administration. Now, it is against this local government created by military power prior to my coming here, and so composed of your personal and political friends, that you have preferred the most grievous complaints. It is of them that you have asserted they will not do their duty; they will not maintain justice; will not arrest offenders; will not punish crimes; and that out of one hundred homicides committed in the last twelve months, not over ten arrests have been made; and by means of such gross disregard of duty, you declare that neither property nor life is safe in Texas.

Certainly you could have said nothing more to the discredit of the officials who are now in office. If the facts be as you allege, a mystery is presented for which I can imagine no explanation. Why is it that your political friends, backed up and sustained by the whole military power of the United States in this district, should be unwilling to enforce the laws against that part of the population lately in rebellion, and whom you represent as the offenders? In all the history of these troubles I have never seen nor heard before of such a fact. I repeat, if the fact be so, it is a profound mystery, utterly surpassing my comprehension. I am constrained to declare that I believe you are in very great error as to facts. On careful examination at the proper source, I find that at the date of your letter four cases only of homicides had been reported to these headquarters as having occurred since November 29, 1867, the date of Order 40, and these cases were ordered to be tried or investigated as soon as the reports were received. However, the fact of the one hundred homicides may still be correct, as stated by you. The Freedman's Bureau in Texas reported one hundred and sixty; how many of these were by Indians and Mexicans, and how the remainder were classified, is not known, nor is it known whether these data are accurate.

The report of the commanding officer of the District of Texas shows that since I assumed command no applications have been made to him by you for the arrest of criminals in the State of Texas.

To this date eighteen cases of homicides have been reported to me as having occurred since November 29, 1867, although special instructions had been given to report such cases as they occur. Of these, five were committed by Indians, one by a Mexican, one by an insane man, three by colored men, two of women by their husbands, and of the remainder some by parties unknown—all of which could be scarcely attributable to Order No. 40. If the reports received since the issuing of Order No. 40 are correct, they exhibit no increase of homicides in my time, if you are correct that one hundred had occurred in the past twelve months.

That there has not been a perfect administration of justice in Texas I am not prepared to deny.

That there has been no such wanton disregard of duty on the part of officials as you allege, I am well satisfied. A very little while ago you regarded the present officials in Texas the only ones who could be safely trusted with power. Now you pronounce them worthless, and would cast them aside.

I have found little else in your letter but indications of temper, lashed into excitement by causes which I deem mostly imaginary, a great confidence in the accuracy of your own opinions, and an intolerance of the opinions of others, a desire to punish the thoughts and feelings of those who differ from you, and an impatience which magnifies the shortcomings of officials who are perhaps as earnest and conscientious in the discharge of their duties as yourself, and a most unsound conclusion that while any persons are to be found wanting in affection or respect for government, or yielding its obedience from motives which you do not approve, war, and not peace, is the status, and all such persons are the proper subjects for military penal jurisdiction.

If I have written anything to disabuse your mind of so grave an error, I shall be gratified.

I am, sir, very respectfully, your obedient servant,

W. S. HANCOCK,
Major-General Commanding.

It may be remarked in passing that about this time a bill was introduced in the House of Representatives to reduce the number of major-generals in the army, the object being to reach Gen. Hancock, and wreak upon him a paltry vengeance for his manly and independent conduct. It came originally from the hands of James A. Garfield, a member from Ohio, who had left the army in the field to accept his seat, and who, cowering under the party lash of Mr. Stevens, had been voting undistinguished in the crowd of reckless partisans, for all the reconstruction laws "outside the Constitution."

Gen. Hancock retired from the command of the Fifth Military District with an assured reputation for enlightened statesmanship of the highest order. He was never again called upon to deal with civil affairs, nearly or remotely, until December, 1875. During all that year, it will be remembered, Mr. Bristow, Secretary of the Treasury, had been endeavoring, by methods, ordinary and extraordinary, to break up the Whiskey Ring which had been robbing the government of vast sums, and to bring some of its guilty members to justice. Among others, Gen. Babcock, the near personal friend and private Secretary of President Grant, was accused of complicity in the frauds and duly indicted at St. Louis. Then began one of the most remarkable contests ever seen. The President seemed fatally bent upon protecting Babcock at any cost. The Attorney-General was equally determined. On the other hand, the District Attorney at St. Louis was thoroughly convinced of his guilt and anxious to bring him to trial. How could the favorite be dragged out of the very jaws of justice which then stood open to crush him? He was an officer in the army, and if the President could be induced to order a court of inquiry, the evidence might be taken from the prosecutor at St. Louis and turned over to the Judge Advocate, then again conveniently superseding the civil law by the military authorities. Babcock asked for the court and it was ordered. Things might have gone very smoothly and reached a conclusion in accordance with the original intention but for the fact that Gen. Hancock was a member. It was impossible to befog his clear understanding as to the proper relations of the military either to the crime or the accused, and the following is the brief record of the first and the last meeting of the court:

SPEECH AND MOTION IN BABCOCK CASE.

Gen. W. S. Hancock arose in his place and addressing the Court, said:

Mr. President: I have a motion to make to the Court which will be proper to be made before the Court is sworn, if it be made at all. If the Court are prepared to hear me, I will proceed at once.

Lieut.-Gen. Sheridan: Proceed, General; the Court will hear you.

Gen. Hancock then read the following motion: "A sense of duty to the laws, to the military service, and to the accused impels me to ask your concurrence in a postponement of this inquiry for the present. We are all bound to believe in the entire innocence of Gen. Babcock, and this presumption cannot be repelled without the evidence. It is due to him to suppose that the court of inquiry was asked in good faith for the reasons given. What were these reasons? In the course of a legal trial in St. Louis, Col. Babcock was alleged to be guilty of a high criminal offense. He asked for a hearing in the same Court, but was informed that he could not have it, because the evidence was closed. These circumstances had led him to demand a court of inquiry, as the only means of vindication that was left. Since then he has been formally indicted, and is now certain of getting that full and fair trial before an impartial jury which the laws of the country guarantee to all its citizens. The supposed necessity of convening a military court for the determination of his guilt or innocence no longer exists. It is not believed that our action as a military tribunal can oust the jurisdiction of the Court in which the indictment is pending. The President has said through the Attorney-General, that such was not the intention. Then the trial at St. Louis and this inquiry must go on at the same time, unless we await the result of the inquiry there.

"The difficulties are very formidable. The accused must be present at the trial of the indictment. Shall we proceed and hear the cause behind his back, or shall we vex him with two trials at once? The injustice of this is manifest.

"I presume from the nature of the case that the evidence is very voluminous, consisting of records, papers and oral testimony. Can we compel the production of these while they are wanted for the purposes of the trial at St. Louis? Certainly not, if the military be, as the Constitution declares, subordinate to the civil authorities. Shall we proceed without evidence and give an opinion in ignorance of the facts? That cannot be the wish of anybody. I take it for granted that the trial at St. Louis will be fair as well as legal, and that the judgment will be according to the very truth and justice of the cause. It will, without question, be binding and conclusive upon us, upon the government, upon the accused and upon the world. If he should be convicted, no decision of ours could rescue him from the hands of the law. If he is acquitted, our belief in his innocence will be of no consequence. If we anticipate the trial in the civil court, our judgment, whether for the accused or against him, will have, and ought to have, no effect upon the jurors. It cannot even be made known to them, and any attempt to influence them by it would justly be regarded as an obstruction of public justice. On the other hand, his conviction there would be conclusive evidence of his guilt, and his acquittal will relieve him of the necessity of showing anything but the record. I do not propose to postpone indefinitely, but simply to adjourn from day to day until the evidence upon the subject of our inquiry shall receive that definite and conclusive shape which will be impressed upon it by the verdict of the jury; or until our action, having been referred to the War Department, with our opinion that our proceedings should be stayed during the proceedings of the court of law, shall have been confirmed. In case of acquittal by the civil court, the functions of this court will not necessarily have terminated. The accused may be pronounced innocent of any crime against the statute, and yet be guilty of some act which the military law might punish by expulsion from the army. In case of acquittal, he may insist upon showing to us that he has done nothing inconsistent with "the conduct of an officer and a gentleman," as the article of war runs; but the great and important question is, "Guilty or not, in manner and form, as he stands indicted?" and this can be legally answered only by a jury of his country."

ADDRESS AT WASHINGTON OVATION.

On September 24, 1867, while Gen. Hancock was on his way to New Orleans to take command there, a grand ovation was tendered him at the Metropolitan Hotel in Washington city. The *National Intelligencer* of the next day, speaking of the ovation, said: "When considered that it was a spontaneous offering of the citizens of the District, it may be regarded as a triumphant recognition of the noble character of the citizen and soldier who was the recipient of the honor paid him on this occasion."

An immense audience was assembled, and Gen. Hancock was introduced by Hon. Amasa Cobb, of Wisconsin, then a Republican member of Congress, and now a Republican judge of the Supreme Court of Nebraska. Gen. Cobb said:

"To me has been intrusted the pleasant duty of appearing before you in the capacity of an old friend and comrade of the distinguished general now before you, to introduce him to you on this occasion. Six years ago I had the honor to be in command of a volunteer regiment in the Army of the Potomac, and, with three other regiments, had the good fortune to be placed under the command of the then newly appointed Brig. Gen. Hancock. During the long and tedious winter of 1861 and 1862, we did duty in front of this capital, devoting the days to discipline and the nights to watching and picket. We were volunteers. The general was a regular army officer. All of you who passed through similar experience will bear me witness that the volunteers felt the rigors of discipline when placed under such disciplinarians as that army was commanded by, and its discipline and after efficiency was owing chiefly, if not wholly, to this fact. The winter passed away, and the army finally moved, and in the course of the war they were brought in front of the enemy. Gen. Hancock's first brigade succeeded in turning the enemy's left at Williamsburg, and afterwards he prevented the victorious enemy from driving the lines of McClellan from the Chickahominy, and later on it came up to save the day at Antietam, and now I esteem it a great honor bestowed upon me and my old regiment to have the opportunity of standing here by that great general's side, bearing testimony to his kindness of heart, his gallantry as a soldier and his trueness as a man."

The speaker here turned to Gen. Hancock and said:

"Allow me to say that to your new field of duty the hearts of your old brigade go with you, knowing that wherever you may go the country will have a brave and efficient soldier, and that flag a gallant defender."

Gen. Hancock was received with much applause, and replied as follows:

"*Citizens of Washington:* I thank you for this testimony of your confidence in my ability to perform my duty in a new and different sphere. Educated as a soldier in the military school of our country, and on the field of the Mexican war and American rebellion, I need not assure you that my course as a district commander will be characterized by the same strict obedience to the law there taught me as a soldier. I know no other guide or higher duty. Misrepresentation and misconstruction arising from the passions of the hour, and spread by those who do not know that devotion to duty has governed my actions in every trying hour, may meet me, but I fear them not. My highest desire will be to perform the duties of my new sphere, not in the interest of parties or partisans, but for the benefit of my country, the honor of my profession, and I trust also for the welfare of the people committed to my care. I ask, then, citizens, that time may be permitted to develop my actions. Judge me by the deeds I may perform, and conscious of my devotion to duty and my country, I shall be satisfied with your verdict, and if a generous country shall approve my actions in the future, as it has in the past, my highest ambition will have been achieved. As a soldier, I am to administer the laws, rather than discuss them. If I can administer them to the satisfaction of my country, I shall indeed be happy in the consciousness of a duty performed. I am about to leave your city—the capital of our country—bearing the proud name of Washington. As an American citizen, the rapid development and increase of its wealth, beauty and prosperity is a matter in which I am deeply interested; but far beyond this, citizens of Washington, I rejoice with you that, in the trying hour of the rebellion, the capital of the nation contributed as fully in proportion to its numbers as any state in the Union to the brave volunteer army which has demonstrated to the world the strength and invincibility of a republican form of government. I shall carry with me the recollections of this occasion, and when I return, may I not hope that none who are here will regret their participation in the honor you have done me to-night ?"

Since 1868 Gen. Hancock has been in command of the Department of Dakota and the Military Division of the Atlantic ; but his pre-eminent qualifications for the Presidency have from that time to this been widely recognized by his countrymen ; and although himself seeking no such distinction, and promoting no steps in that direction, his name has commanded a large vote in every succeeding Democratic convention, until, by the last, he was unanimously nominated for that great office.

HANCOCK TO SHERMAN.

Congress met on December 4th, 1876. The results of the returning boards frauds in Louisiana, South Carolina and Florida, were then known throughout the country. A large number of troops were concentrated at Washington, and there was much apprehension that the army would be called upon to take part in the settlement of the presidential contest. General Sherman, commanding the army of the United States, consulted with his immediate subordinates as to their views of their duty under these circumstances. He wrote to General Hancock two letters, one on the 4th of December, 1876, and the other on the 17th of the same month. General Hancock replied to these letters on December 28th, from Carondelet, near St. Louis, Missouri.

After Hancock's nomination for the presidency, the Republican press circulated a story that between the presidential election of 1876, and the establishment of the Electoral Commission, General Hancock, had written a letter to General Sherman, declaring his intention "to take his orders from Mr. Tilden," and expressing treasonable sentiments. The statements of Republican newspapers were not refuted for some time for the reason that General Sherman was absent in the far West, and the letter could not with propriety be published without his consent. That consent was given at the end of July last, and the letter was first published on the 1st of August. Its publication has not only absolutely refuted the falsehoods which had been circulated in relation to it, but has resulted in making plain to the world General Hancock's profound statesmanship and his preeminent fitness for the office of President of the United States.

GENERAL HANCOCK TO GENERAL SHERMAN.

CARONDELET P. O.,
ST. LOUIS, MO., December 28, 1876.

My Dear General: Your favor of the 4th instant reached me in New York on the 5th, the day before I left for the West. I intended to reply to it before leaving, but cares incident to departure interfered. Then again, since my arrival here I have been so occupied with personal affairs of a business nature that I have deferred writing from day to day until this moment, and now I find myself in debt to you another letter in acknowledgment of your favor of the 17th, received a few days since.

I have concluded to leave here on the 29th (to-morrow) P. M., so that I may be expected in New York on the 31st instant. It has been cold and dreary since my arrival here. I have worked "like a Turk." (I presume that means hard work in the country, in making fences, cutting down trees, repairing buildings, &c., &c., and am at least able to say that St. Louis is the coldest place in the winter, as it is the hottest in summer, of any that I have encountered in a temperate zone. I have known St. Louis in December to have genial weather throughout the month; this December has been frigid, and the river has been frozen more solid than I have ever known it.

When I heard the rumor that I was ordered to the Pacific coast I thought it probably true, considering the past discussion on that subject. The *possibilities* seemed to me to point that way. Had it been true I should, of course, have presented no complaint nor made resistance of any kind. I would have gone quietly if not prepared to go promptly. I certainly would have been relieved from the responsibilities and anxieties concerning Presidential matters which may fall to those near the throne or in authority within the next four months, as well as from other incidents or matters which I could not control, and the action concerning which I might not approve. I was not exactly prepared to go to the Pacific, however, and I therefore felt relieved when I received your note informing me that there was no truth in the rumors.

Then, I did not wish to appear to be escaping from responsibilities and possible dangers which may cluster around military commanders in the East, especially in the critical period fast approaching. All's well that ends well. The whole matter of the Presidency seems to me to be simple, and to admit of a peaceful solution. The machinery for such a contingency as threatens to present itself has been all carefully prepared. It only requires lubrication, owing to disuse. The army should have nothing to do with the selection or inauguration of Presidents. The people elect the President. The Congress declares in a joint session who he is. We of the army have only to obey his mandates, and are protected in so doing only so far as they may be lawful. Our commissions express that. I like Jefferson's way of inauguration ; it suits our system. He rode alone on horseback to the Capitol (I fear it was the "Old Capitol"), tied his horse to a rail fence, entered and was duly sworn, then rode to the Executive Mansion and took possession. He inaugurated himself, simply by taking the oath of office. There is no other legal inauguration in our system. The people or politicians may institute parades in honor of the event, and public officials may add to the pageant by assembling troops and banners, but all that only comes properly after the inauguration—not before; and it is not a part of it. Our system does not provide that one President should inaugurate another. There might be danger in that, and it was studiously left out of the charter. But *you* are placed in an exceptionally important position in connection with coming events. The capital is in my jurisdiction also, but I am a subordinate, and not on the spot, and if I were, so also would be my superior in authority, for there is the station of the General-in-Chief.

On the principle that a regularly elected President's term of office expires with the 3d of March (of which I have not the slightest doubt), and which the laws bearing on the subject uniformly recognize, and in consideration of the possibility that the lawfully elected President may not appear until the 5th of March, a great deal of responsibility may necessarily fall upon you. You hold over! You will have power and prestige to support you. The Secretary of War, too, probably, holds over; but if no President appears, he may not be able to exercise functions in the name of a President, for his proper acts are those of a known superior—a lawful President. You act on your own responsibility and by virtue of a commission, only restricted by the law. The Secretary of War is the mouthpiece of a President. You are not. If neither candidate has a constitutional majority of the Electoral College, or the Senate and House on the occasion of the count do not unite in declaring some person legally elected by the people, there is a lawful machinery already provided to meet that contingency and decide the question peacefully. It has not been recently used, no occasion presenting itself, but our forefathers provided it. It has been exercised, and has been recognized and submitted to as lawful on every hand. That machinery would probably elect Mr. Tilden President and Mr. Wheeler Vice-President. That would be right enough, for the law provides that in a failure to elect duly by the people, the House shall immediately elect the President and the Senate the Vice-President. Some tribunal must decide whether the people have duly elected a President. I presume, of course, that it is in the joint affirmative action of the Senate and House, or why are they present to witness the count if not to see that it is fair and just? If a failure to agree arises between the two bodies, there can be no lawful affirmative decision that the people have elected a President, and the House must then proceed to act, *not* the Senate. The Senate elects Vice-Presidents, not Presidents. Doubtless in case of a failure by the House to elect a President by the 4th of March, the President of the Senate (if there be one) would be the legitimate person to exercise presidential authority for the time being, or until the appearance of a lawful President, or for the time laid down in the Constitution. Such courses would be peaceful, and, I have a firm belief, lawful.

I have no doubt Governor Hayes would make an excellent President. I have met him and know of him. For a brief period he served under my command, but as the matter stands I can't see any likelihood of his being duly declared elected by the people unless the Senate and House come to be in accord as to that fact, and the House would of course not *otherwise* elect him. What the people want is a peaceful determination of this matter, as fair a determination as possible, and a lawful one. No other Administration could stand the test. The country if not plunged into revolution would become poorer day by day, business would languish, and our bonds would come home to find a depreciated market.

I was not in favor of the military action in South Carolina recently, and if General Ruger had telegraphed to me or asked for advice I would have advised him not under any circumstances to allow himself or his troops to determine who were the lawful members of a State Legislature. I could not have given him better advice than to refer him to the special message of the President in the case of Louisiana some time before.

But in South Carolina he had had the question settled by a decision of the Supreme Court of the State—the highest tribunal which had acted on the question—so that his line of duty seemed even to be clearer than the action in the Louisiana case. If the Federal court had interfered and overruled the decision of the State court there might have been a doubt certainly, but the Federal court only interfered to complicate—not to decide or overrule.

Anyhow it is no business of the army to enter upon such questions, and even if it might be so in any event, if the civil authority is supreme, as the Constitution declares it to be, the South Carolina case was one in which the army had a plain duty.

Had General Ruger asked me for advice, and if I had given it, I should of course have notified you of my action immediately, so that it could have been promptly overruled if it should have been deemed advisable by you or other superior in authority. General Ruger did not ask for my advice, and I inferred from that and other facts that he did not desire it, or that, being in direct communication with my military superiors at the seat of Government, who were nearer to him in time and distance than I was, he deemed it unnecessary. As General Ruger had the ultimate responsibility of action and had really the greater danger to confront in the final action in the matter, I did not venture to embarrass him by suggestions. He was a department commander, and the lawful head of the military administration within the limits of the department; but besides I knew that he had been called to Washington for consultation before taking command, and was probably aware of the views of the administration as to civil affairs in his command. I knew that he was in direct communication with my superiors in authority in reference to the delicate subjects presented for his consideration, or had ideas of his own which he believed to be sufficiently in accord with the views of our common superiors to enable him to act intelligently according to his judgment, and without suggestions from those not on the spot and not as fully acquainted with the facts as himself. He desired, too, to be free to act, as he had the eventual greater responsibility, and so the matter was governed as between him and myself.

As I have been writing thus freely to you, I may still further unbosom myself by stating that I have not thought it lawful or wise to use Federal troops in such matters as have transpired east of the Mississippi within the last few months, save so far as they may be brought into action under the article of the Constitution which contemplates meeting armed resistance or invasion of a state more powerful than the state authorities can subdue by the ordinary processes, and then only when requested by the legislature, or, if it could not be convened in season, by the Governor; and when the President of the United States intervenes in that manner it is a state of war, *not* peace.

The army is laboring under disadvantages and has been used unlawfully at times in the judgment of the people (in mine certainly), and we have lost a great deal of the kindly feeling which the community at large once felt for us. "It is time to stop and unload."

Officers in command of troops often find it difficult to act wisely and safely when superiors in authority have different views of the law from theirs, and when legislation has sanctioned action seemingly in conflict with the fundamental law, and they generally defer to the known judgment of their superiors. Yet the superior officers of the army are so regarded in such great crises and are held to such responsibility, especially those at or near the head of it, that it is necessary on such momentous occasions to dare to determine for themselves what is lawful and what is not lawful under our system, if the military authorities should be invoked, as might possibly be the case in such exceptional times when there existed such divergent views as to the correct result. The army will suffer from its past action if it has acted wrongfully. Our regular army has little hold upon the affections of the people of to-day, and its superior officers should certainly, as far as lies in their power, legally and with righteous intent aim to defend the right, which to us is THE LAW, and the institution which they represent. It is a well meaning institution, and it would be well if it should have an opportunity to be recognized as a bulwark in support of the rights of the people and of THE LAW.

I am truly yours,

WINFIELD S. HANCOCK.

To General W. T. SHERMAN, commanding Army of the United States, Washington, D. C.

LIFE OF WILLIAM H. ENGLISH.

In the cemetery of the thriving but rather quiet town of Carrollton, the county seat of Greene county, Ill., there is, or was some years ago, an unpretentious monument, standing by two graves, bearing the following inscriptions:

"In memory of Elisha English, born March 2, 1768, near Laurel, Sussex county, Del. Married Sarah Wharton, Dec. 10, 1788. Removed to Kentucky in 1790, and to Greene county, Illinois, in 1830. Died at Louisville, Ky., March 7, 1857. He was a faithful husband, a kind father and an honest man.

"In memory of Sarah Wharton, wife of Elisha English. Died November 27, 1849, in the eighty-second year of her age. She was kind to her neighbors, devoted to her family, and a noble woman in all the relations of life.

"My father and my mother. They lived lovingly together as husband and wife over sixty years, and, before the tie was broken, could number two hundred living descendants. Their fourteen children all married and had children before a death occurred in the family. This monument is erected to their memory by Elisha G. English, of Indiana."

These are the grandparents, on the father's side, of the subject of this sketch, the Hon. William H. English, and the facts disclosed by these inscriptions embody the most that is known of their history.

On the mother's side, his grandparents "sleep their last sleep" in the Rikers Ridge (or Hillis) burying-ground, a romantic spot near the Ohio river, a few miles northeast of Madison, Indiana, and again recourse is had to a monument which marks their graves as containing an epitome of the most that is known of their history:

"In memory of Philip Eastin, a lieutenant in the Fourth Virginia regiment in the war of the American Revolution, who was buried in this secluded spot in the year 1817, leaving his widow and a large family of children to mourn his loss. 'He sleeps his last sleep, he has fought his last battle.' Honor his memory; he was one of the brave and true men whose gallant deeds gave freedom and independence to our country.

"In memory of Sarah Smith Eastin, who died near this place and was buried here in the year 1843. She was married to Lieutenant Philip Eastin at Winchester, Va., in 1782, near which place she was born, being a descendant of the Hite family, who first settled that valley. The prosperity of early life gave place in her old age to poverty and the hardships of rearing a large family in a new country; but she acted her part well under all circumstances, and died with the respect and love of all who knew her. Now that the joys and sorrows of a long and eventful life are over, they sleep well. May they rest in peace. This monument is erected to their memory by their grandson, William H. English."

Of the seventeen children born to this pair, Mahala, the mother of our subject, first saw the light in Fayette county, Ky., and now resides with her distinguished son and only surviving child at Indianapolis, in the eighty-second year of her age, retaining in a remarkable degree her health and all her faculties.

As an element of character and one which all good persons recognize as essential to greatness, not one can be named so well calculated to inspire respect as the profound veneration of a son for his parents, and especially when its development draws the child even more to them as the weight of years increases. This trait of character was peculiarly marked in Mr. English. His honors and his prosperity only vitalized his affections for his parents, and in his home he demonstrated the goodness of his heart, the warmth of his affections and the nobility of his character, and Indiana, in all of her happy homes, presents no more beautiful picture of a son's devotion than is to be found in Mr. English's, where his mother, now over four-score years of age, is enjoying all the fruitions that affection can bestow.

Her husband, Major Elisha G. English, who was one of the fourteen children referred to in the first inscription, died at his son's residence in Indianapolis, November 14, 1874, full of years and full of honors. He was, however, a citizen of Scott county, Indiana, at the time of his death, as he had been for over a half century, having immigrated to that county in 1818, from Kentucky, in which state he was born. As one of the pioneers of Indiana, he enjoyed in the highest degree the respect and confidence of the people, was several times sheriff of his county, for about twenty years a member of the Indiana House of Representatives or Senate, and for some time United States Marshal for Indiana.

BIRTH AND BOYHOOD.

Surrounded by scenes of hardy adventure and of reckless daring, so familiar to the pioneers of the West, William H. English was born August 27, 1822, at the village of Lexington, Scott county, Indiana, and he has literally grown with his native state, and strengthened with her strength, until he has become thoroughly identified with her interests and prosperity. Both are now in their full meridian, and he bears the reputation of being one among the most far-seeing and energetic business men of the country. This is the more strange when it is considered that he had previously reached great distinction in public life, having entered that field in his early career, but voluntarily retired from it.

The student of biography, especially the biographies of Americans who had been distinguished in war, politics, literature and science, has been impressed with the fact that those who in youth were subjected to the severest struggles, have often gained the proudest eminence in after life; and Indiana has furnished a long list of names demonstrating the truth of the proposition, and the early life of Mr. English conspicuously illustrates it. Born at a time when schoolhouses were few and far between, he mastered the rudiments at an early age, and took a position in public affairs when others more favorably situated were dallying in the problems he had solved. This youthful heroism furnishes the key to his future success—the indomitableness of the boy foreshadowing the man of affairs, who, learning the value of persistency in youth, would carry it into all the enterprises of manhood—an example worthy of profound study by other youth of the country.

EDUCATION AND ADMISSION TO THE BAR.

His education was such as could be acquired at the common schools of the neighborhood, and a course of three years' study at the South Hanover College. He studied law, and was admitted to practice in the circuit court at the early age of eighteen years. He was subsequently admitted to the Supreme Court of his state, and in the twenty-third year of his age, to the highest judicial tribunal in the country, the Supreme Court of the United States.

ENTRANCE INTO POLITICS.

At an early age Mr. English's inclinations turned to a political life. His youthful ambition to win success, and opportunities which then presented themselves, combined to urge him in this direction of effort. However, in the calm reflection of later years, and in the full realization of these aspirations, he laid down the honors and emoluments of office to seek in the walks of business a more congenial vocation. He identified himself with the Democratic party, and took a prominent part in the political contest of his county, even before he arrived at his majority.

Several years before he was of age, he was chosen a delegate from Scott county to the Democratic State Convention at Indianapolis, which nominated General Tilghman A. Howard for governor. There was no railroad connection with the capital at that time, and the roads were in such a deplorable condition that it took him six days' horseback riding to make the round trip. He commenced making speeches in that campaign and continued in active politics for many years.

APPOINTED POSTMASTER.

Under the Tyler administration, Mr. English was appointed postmaster of Lexington, his native village, then the county seat of Scott county.

ELECTED PRINCIPAL CLERK OF INDIANA HOUSE OF REPRESENTATIVES.

In 1843 he was chosen principal clerk of the House of Representatives of his state, over several distinguished and worthy competitors.

James D. Williams, now the venerable and respected Governor of Indiana, was then, for the first time, a member of the House, and he has several times made public mention of the fact that Mr. English then performed the same duties, and most satisfactorily, too, with the aid of one assistant, that in these later years over a half dozen are paid to perform.

APPOINTED CLERK IN THE UNITED STATES TREASURY DEPARTMENT.

After the election of Mr. Polk to the Presidency, to which Mr. English largely contributed, as an active and efficient politician in his section of the country, he was tendered an appointment in the Treasury Department at Washington, which he accepted, and continued to discharge its duties during that administration. He was not the man to disguise his principles or make an effort to keep a place under an administration he had opposed. He voted for the nomination of Cass in the National Convention, and had strenuously opposed the election of General Taylor. He, therefore, on the day preceding the inauguration, sent to Mr. Polk a letter of resignation, which was extensively copied by the Democratic press, with comments approving the independent spirit of its author.

FAMILY ALWAYS DEMOCRATIC.

In the National Convention of 1848, his father, Elisha G. English, and his uncle, Revel W. English, were Vice-Presidents, and two other uncles delegates. It was in that convention he met the now celebrated Samuel J. Tilden, who was a delegate from the state of New York.

It will be observed that Mr. English is a Democrat, not only by the sober judgment of his mature manhood, but the traditions of his family, and it may be said that the commanding positions he has held, his large experience and his knowledge of men and measures, all combine to strengthen his convictions that the principles of the Democratic party must prevail if we are to have a united and prosperous country. His own idea of what these principles are will be best understood by the following vigorous and forcible words uttered by him in a late published interview:

"I am for honesty in money as in politics and morals, and think the great material and business interests of this country should be placed upon the most solid basis, and as far as possible from the blighting influence of demagogues. At the same time, I am opposed to class legislation, and in favor of protecting and fostering the interests of the laboring and producing classes in every legitimate way possible. A pure, economical, constitutional government, that will protect the liberty of the people and the property of the people, without destroying the rights of the states or aggrandizing its own powers beyond the limits of the Constitution, is the kind of government contemplated by the fathers, and by that I think the Democracy propose to stand."

But Mr. English was not permitted to remain long out of public life. His abilities were universally recognized.

CLERK UNITED STATES SENATE COMMITTEE IN 1850.

He was a clerk of the Claims Committee in the United States Senate during the memorable session of the compromise of 1850, heard Calhoun and Cass, Clay and Webster, Benton, and other great statesmen of the age, in those able, forensic efforts, which obtained so much celebrity and led to the results so gratifying to every American patriot.

And the pure patriotism of such men, the grandeur of their eloquence—the far-reaching benefits of the measure proposed and advocated—left a fadeless impression on Mr. English's mind that inspired his ambition, broadened his views, and contributed largely in giving him influence when he became a member of the National Legislature. At the close of the session he resigned his position and returned to his home in Indiana.

ELECTED SECRETARY OF THE CONSTITUTIONAL CONVENTION.

The people of that state had just decided to call a convention to revise the state constitution adopted in 1816, and after an existence of over a third of a century the adoption of a new constitution, in accord with the spirit of the times, was approached with much caution. Every one felt the necessity of confiding the trust to the wisest and best men in the state, and it is doubtful whether a superior body of men ever assembled for a like purpose than that which assembled at Indianapolis in October, 1850, to prepare a constitution for the state of Indiana. Mr. English had the distinguished honor of being elected the principal Secretary of the convention and of officially attesting the constitution which was prepared by the convention after over four months' deliberation and ratified by an overwhelming vote of the people.

As Secretary of the convention, he added largely to his reputation, and the fact was recognized that his abilities were of a character to command a wider sphere of usefulness to the party and to the country.

ELECTED TO THE LEGISLATURE.

The adoption of the new constitution made a necessity for a thorough revision of the laws of the state, and the same high order of talent was needed to mold the laws as had been required to prepare the constitution itself. It was, therefore, a great honor to Mr. English, that in 1851, he was elected to represent his native county in the state legislature against an opposition majority, and over a competitor considered the strongest and most popular man of his party in the county. This was the first meeting of the legislature under the provisions of the new constitution, and judgment and discretion were required of the legislature to put the new state machinery into harmonious and successful operation. It was, therefore, no small compliment for so young a man as Mr. English to have been chosen over so many older and more experienced citizens.

ELECTED SPEAKER OF THE HOUSE.

But a still greater honor awaited him, for, notwithstanding he was then but twenty-nine years of age, and it was his first session as a member, and, also, that there were many old, experienced and distinguished men in that legislature, Mr. English was elected Speaker by twenty-eight majority, and it may be mentioned as an evidence of his ability and popularity as a presiding officer that, during his long term of service (over three months), no appeal was taken from any of his decisions. This was the more remarkable as it was the first session under the new constitution, when many new points had to be decided.

Many radical and highly beneficial reforms in the laws of the state were made at this session, to the success of which Mr. English largely contributed, and in some instances originated, such as the change in the system of taxing railroads, and the substitution of the present short form of deeds, mortgages, etc., for the long intricate forms.

Mr. English has, in an eminent degree, that force and energy of character which leads to successful action, and has left his impress upon the measure of every deliberative body, company, or association to which he has belonged. In a word, he has all the elements of a bold, aggressive and successful leadership. If lost with a multitude in a pathless wilderness, he would not lag behind waiting for some one else to plan or open up the pathway of escape. He would be more apt to promptly advise which was the best way out, or make the road himself and call upon his comrades to follow.

ELECTED TO CONGRESS.

With the close of the long session of the Legislature of 1851, in which Mr. English had earned golden opinions from men of all parties, he was justly regarded as one of the foremost men of the state, and the Democrats of his district with great unanimity solicited him to become their standard-bearer in the race for Congress. He was nominated, and in October, 1852, was elected by 488 majority over his very worthy competitor, John D. Ferguson, now deceased, with whom he was always on terms of the warmest personal friendship.

Mr. English entered Congress at the commencement of Mr. Pierce's administration, and gave its political measures a warm and hearty support. It was a memorable period in the history of the country, a time when questions of far-reaching consequence had their birth, and which, a few years subsequently, tested to the utmost limit the strength of the Republic. It was the time for the display of unselfish patriotism, lofty purpose, moral courage and unwavering devotion to the Constitution. Mr. English met the demand. He was equal to the responsibility of the occasion. He never disappointed his constituents, his party or his country. He displayed his national qualities of prudence, sagacity and firmness.

KANSAS-NEBRASKA BILL.

It was at the opening of this Congress that the famous Kansas-Nebraska bill was introduced. Mr. English was a member of the House Committee on Territories, which was charged with the consideration and report of the bill. He did not concur with the majority of the committee in the propriety and expediency of bringing forward the measure at that time, and made a minority report on the 31st of January, 1854, proposing several important amendments, which, although not directly adopted, for reasons hereafter explained, probably led to modifications of the bill of the Senate, which bill was finally adopted as an amendment to the House bill, and enacted into a law. Both the House and Senate bill, at the time Mr. English made his minority report, contained a provision "that the Constitution and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said territory as elsewhere in the United States ;" and then followed this important reservation :

"Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6th, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

Mr. English proposed to strike out this exception and insert the following :

"Provided, that nothing in this act shall be so construed as to prevent the people of said territory, through the properly constituted legislative authority, from passing such laws in relation to the institution of slavery, not inconsistent with the Constitution of the United States, as they may deem best adapted to their locality and most conducive to their happiness and welfare; and so much of any existing act of Congress as may conflict with the above right of the people to regulate their domestic institutions in their own way, be, and the same is hereby, repealed."

In the history of this subject, given in the first volume of Mr. Horace Greeley's "American Conflict," the opinion is expressed that this proposition of Mr. English could not have been defeated on the call of the yeas and nays, and the author goes on to explain and condemn the new and ingenious parliamentary maneuver resorted to at the time, which cut off all amendments, but the substitution of the Senate Bill for the Bill of the House. "Thus," says Mr. Greeley, "The opponents of the measure in the House were precluded from proposing any amendments or modifications whatever, when it is morally certain that had they been permitted to do so, some such amendments as Gov. Chase's or Mr. English's would have been carried." The parliamentary maneuver referred to brought the House to a vote on the Senate Bill, which, in the meantime, had been offered as a substitute for the House Bill, was adopted and became the law.

POPULAR SOVEREIGNTY.

Now, there is one point in the history of this important measure not very clearly developed in Mr. Greeley's account (in the main fair and accurate), which it will be well to refer to. It is true the Senate and House Bill were substantially the same on the 31st of January, when Mr. English offered his amendments; but before the 8th of May, when the House substituted the Senate Bill for its own, and passed it, material modifications had been made in the Senate Bill. It was the modified bill and not the bill of the 31st of January, that became the law. For example, on the 15th of February, two weeks after Mr. English submitted his amendments (the Senate and House Bills being up at that time in substantially the same shape), the Senate adopted an amendment which had been submitted by Senator Douglas on the 7th of February, striking out a portion of the same clause Mr. English had proposed to strike out, and substituting the following :

"Which being inconsistent with the principle of non-intervention by Congress with slavery in states and territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void ; it being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

This amendment satisfied some of those members who at first regarded the measure with disfavor, and a comparison will show to what extent it embodied or harmonized with the amendment Mr. English had previously offered.

It is undoubtedly true, as the Congressional records will show, that Mr. English brought forward the "popular sovereignty" idea in the minority report made by him to the House of Representatives in January; that the same idea was submitted to the Senate in February and adopted by that body; that the House then adopted the amended Bill of the Senate as a substitute for the House Bill, and it thus became a law. Hence the debate and public attention was directed almost exclusively to the Senate Bill.

The objections made in Mr. English's minority report to the proposed boundaries of the territory were also obviated by amendments. No doubt, these modifications and a desire to act in harmony with the Democratic administration, influenced some of the Democratic members from the free states to support the bill, who, like Mr. English, thought its introduction unfortunate and ill-timed.

Senator Douglas was justly regarded as the great leader and champion of the "popular sovereignty" idea· So far as the advocacy of that principle was concerned, Mr. English was with him, and it will not be out of place to state here that although some slight political differences ultimately sprang up between them in relation to the "English Bill" hereafter mentioned, they were always personal friends, and for many years the relations between them were of the most intimate character. As far back as 1845, Mr. Douglas wrote President Polk urging that Mr. English be appointed Recorder of the General Land Office, and Mr. English has many letters from Mr. Douglas expressing the most cordial friendship.

SLAVERY AGITATION—POSITION ON SLAVERY QUESTION.

The controversy about the institution of slavery, which had been going on, with but little intermission, ever since the formation of the government, raged with greatly increased bitterness during the eight years immediately preceding the war. During all this period Mr. English was in Congress, and more or less identified with the measures involving the question of slavery. It is therefore, perhaps, proper to briefly define the position he occupied upon this great question of the age, as gleaned from his speeches and the Congressional history of the period. "I am," said he in one of his speeches, "a native of a free state and have no love for the institution of slavery. Aside from the moral question involved, I regard it as an injury to the state where it exists, and if it were proposed to introduce it where I reside, would resist it to the last extremity."

He believed in faithfully maintaining all the rights of the states as guaranteed by the Constitution, and that it would be wisest to refer the question of slavery to that best and safest of all tribunals—the people to be governed. "They are the best judges of the soil and climate and wants of the country they inhabit; they are the true judges of what will best suit their own condition and promote their welfare and happiness."

Speaking for himself and his constituents he said upon another occasion: "We do not like this institution of slavery, neither in its moral, social nor political bearings, but consider that it is a matter which, like all other domestic affairs, each organized community ought to be allowed to decide for itself."

The idea of "leaving the people of every state and territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States," seemed to be in accordance with the genius of our American institutions, but the storm raised by the passage of the Kansas-Nebraska Bill resulted in the defeat of nearly all the members from the free states who voted for it. In fact, Mr. English was one of the only three in the United States who commanded strength enough to survive the storm.

SECOND ELECTION TO CONGRESS—GREAT CANVASS AGAINST KNOW-NOTHINGISM AND "SEARCH, SEIZURE AND CONFISCATION."

He was unanimously nominated for re-election to Congress and elected, in October, 1854, by 588 majority—an increase of 100—over his Whig and Know-Nothing opponent, Judge Thomas C. Slaughter, now deceased, a bitter partisan, but a warm personal friend of Mr. English to the end of his life.

During Mr. English's Congressional career, the country, in addition to other causes of agitation, was visited with a fanatical cyclone known as Know-Nothingism, that for a time threatened to overwhelm and obliterate the traditions and laws of the country, and to create the most odious distinctions of citizenship based upon religion and nationality. Never did the war of prejudice and ignorance beat with greater force upon the most sacred guarantees of the Constitution; never was a public mind more thoroughly permeated with hostility toward men of foreign birth, nor was there ever a period in the history of the Republic when religious animosities assumed such a repulsive and defiant aspect. Foreign-born citizens were to be ostracised and men's freedom to worship God according to the dictates of their own consciences was to be restricted. The virus spread in every direction. It laid hold upon young and old—Know-Nothing lodges sprung up everywhere—hates engendered in every home, lurked in every hiding place, and found expression in every meeting of the mysterious order. To expose the evil designs of the order, to break its power and arrest its progress was no easy task. The work required courage of the highest order, and into it Mr. English threw himself in a spirt of self-abnegation, which commanded the applause of all right-thinking men. In Mr. English the foreign-born citizen had a friend, indeed. The force of his logic and the fearlessness of his denunciations battered down the sophisms, prejudices and the spirit of exclusiveness wherever they offered resistance—reason regained supremacy, and after a brief period Know-Nothingism disappeared to take its place in history, besides witchcraft and other monstrous delusions that have from time to time cursed the world. It was a Democratic victory to which no man in the nation contributed more than did William H. English in his gallant canvass against the Know-Nothings in the second Congressional district of Indiana in 1854.

It would be difficult for persons now to comprehend the great excitement in the country at this time, and particularly in Mr. English's district, separated from Louisville only by the Ohio river, at which place many foreigners had recently been killed by a mob, growing out of the Know-Nothing agitation. The same spirit existed on the Indiana side, but Mr. English, with that boldness which has ever characterized him, fought the doctrines of the Know-Nothing party, and the "search, seizure and confiscation temperance law" party upon every stump, and came out victorious; but *he was the only Democrat but one elected to Congress at that time from Indiana.* In consequence of this gallant fight, as well as from his broad, liberal and conservative views, Mr. English has always been popular with our foreign population.

He continued to support the policy of the administration of President Pierce during the Thirty-fourth Congress.

REGENT OF THE SMITHSONIAN INSTITUTION.

He was a Regent of the Smithsonian institution for eight years, and, during this Congress, made a speech in defense of the management of the institution which was highly commended by Prof. Henry, Charles Henry Davis and other eminent scientific gentlemen. Mr. Davis went so far as to write a letter, in which he said Mr. English was entitled to "the gratitude and friendly regard of every scientific man in the country whose opinions are thought worth repeating.

In this speech Mr. English evinced higher qualities of statesmanship than are developed in caucus and the usual combats of partisans—a statesmanship that enters within the domain of science and art, and that seeks through the agencies which enlightened governments can command to elevate and reform the people, and to place within their reach facilities for the highest culture.

THIRD ELECTION TO CONGRESS.

At the end of Mr. English's second term he avowed his intention of not being a candidate for Congress again, and requested his constituents to select some other person. The convention which met to nominate his successor, however, after balloting forty-two times without making a choice, finally determined, unanimously, to insist upon Mr. English taking the field for the third time, which he reluctantly consented to do, and was elected by a larger majority than ever before, in October, 1856.

ADMISSION OF KANSAS.

In the course of a speech delivered in the House of Representatives on the admission of Kansas, Mr. English said:

"I think before Kansas is admitted, her people ought to ratify, or at least, have a fair opportunity to vote upon the constitution under which it is proposed to admit her; at the same time, I am not so wedded to any particular plan that I may not, for the sake of harmony and as a choice of evils, make reasonable concessions, provided the substance would be secured, which is the making of the constitution, at an early day, conform to the public will, or, at least, that the privilege and opportunity of so making it be secured to the people beyond all question. Less than this would not satisfy the expectations of my constituents, and I would not betray their wishes for any earthly considerations."

When the whole country had about abandoned the hope of a settlement of the disagreement between the two houses, and the angry contest was likely to be adjourned for further and protracted agitation before the people, already inflamed with sectional animosities, Mr. English took the responsibility of moving to concur in the proposition of the Senate asking for a committee of free conference. The excitement upon the occasion had scarcely ever been equaled in the House of Representatives. Upon adopting this motion the vote was a tie (108 to 108); but the Speaker voted in the affirmative, and the motion prevailed. The committee on the part of the House was composed of W. H. English, of Indiana; A. H. Stephens, of Georgia, and W. A. Howard, of Michigan. On the part of the Senate, J. S. Greene, of Missouri; R. M. T. Hunter, of Virginia, and W. H. Seward, of New York.

This is the history of the origin of the great Kansas compromise measure, commonly called the "English bill," which finally passed both branches of Congress and became the law.

This law was, in effect, to place it in the power of the people of Kansas to come into the Union under the Lecompton Constitution, or not, as they might themselves determine at a fair election. It was not a submission as direct as Mr. English himself preferred, as hereinafter explained, but was the best he could get under the complications then existing, and was a substantial vindication of the doctrine of "popular sovereignty" advocated in his minority report on the Kansas-Nebraska Bill in the Thirty-third Congress.

It is impossible for persons now to realize the agitation and excitement in the country at that time over the "English bill." Its passage was hailed with firing of cannons, illuminations and public rejoicing in many places.

CONGRATULATIONS AND REJOICINGS.

The President of the United States, Mr. Buchanan, was highly gratified, and wrote Mr. English a letter of congratulation (which Mr. English has preserved), in which he said:

"I consider the present occasion the most fortunate of your life. It will be your fate to end the dangerous agitation, to confer lasting benefits on your country, and to render your character historical. I shall remain always your friend."

On the night after the passage of the bill there was a great mass meeting in Washington city which serenaded Mr. English.

In the course of his remarks he said:

"Let us all stand together in this great confederacy as equals, each state having the right to regulate its own domestic institutions in its own way; and let us apply this doctrine not only to Kansas, but to all the territories that may come into this Union for all time to come. This is the doctrine of the Democratic party, and when that party is struck down, the best interests of the country will be struck down. Stop this agitation and let us act, not like visionary fanatics, but practical men. Let well enough alone and leave the solution of this matter to time and Providence. If we can not stand upon the doctrine of non-intervention, where can we stand in safety?

"I know that it is the feeling of the people of Indiana that the interests and rights of the South should never be trodden under foot. We do not intend to surrender any of our rights, and we do not believe that the people of the South desire to trespass upon our rights; if they did, we should rise up as one man to resist it, and we would resist it to the last. While we shall be careful to protect our own rights, we shall be equally careful not to trespass upon the rights of our brethren in other states. Upon such broad national grounds as this we can all stand; and if we do, this confederacy will continue increasing in prosperity and glory. We must discard all these sectional ideas. We must cultivate a greater feeling of respect and sympathy for each other, and for those of different sections; and I trust and hope this is the dawn of a new era. I trust and hope we shall hear no more of these sectional agitations. Every good man and lover of his country ought to set his face against them. I speak the sentiment of the entire Democracy of my state when I say that we will do battle faithfully to protect the rights of the people of every portion of the confederacy, and that we shall stand by the Constitution and the Union to the last."

MR. ENGLISH EXPLAINS THE "ENGLISH BILL."

Mr. English claimed that the "English bill" was entirely as he wished it. In a short speech made long after its passage, he said:

"It was not to be expected that a bill upon a subject of so much magnitude, preceded by such intense excitement, long and heated debates, close votes, and conflicts between co-ordinate branches of the government, could be enacted into a law in a manner satisfactory to all, or without violent opposition. Nothing in man's nature, or the history of the past, warranted such expectation. Thirty millions of excited people are not easily quieted, and a question which could agitate a whole nation was not likely to be removed without a struggle and some sacrifice of opinion.

"Perfection in every respect was not claimed for the Conference Bill. Its friends set up no unreasonable or extravagant pretensions in its behalf, and they now have the proud satisfaction of knowing that it has realized all they ever claimed for it. It was enough that it contained the substance, and was the very best that could be secured at the time and under the circumstances which then existed.

"In that spirit it was agreed to in committee; in that spirit enacted into a law. It sprang from the necessity of the case, and was supported in the hope of reconciliation and peace. If those who gave it their support erred, it was in yielding too much in the praiseworthy effort of removing a dangerous question from the national councils and restoring harmony to a highly-excited people."

Under this law the question of admission under the Lecompton constitution was, in effect, referred back to the people of Kansas, and they voted against it, just as Mr. English and almost every one else expected they would do. Even so bitter a partisan as Mr. Greeley then was, admitted in his history that the vote cast on the proposition submitted by the English bill "was, in fact, to reject the Lecompton constitution."

Thus the result was accomplished which Mr. English had contended for from the beginning, and there is no inconsistency in his record upon this subject. On the final vote which admitted Kansas as a state, he was still a member, and voted for her admission.

FOURTH ELECTION TO CONGRESS.

The popular current in the North was still strongly against the Democratic administration, and the "English bill" entered into the ensuing political campaign, and came in for the usual amount of misrepresentation and abuse.

Mr. English had again been brought forward for re-election, and the contest in his district assumed a national importance. His political opponents made extraordinary efforts to defeat him, and there was at one time some dissatisfaction with a portion of his political friends, who thought he ought to have voted for the admission of Kansas under the Lecompton constitution.

After the passage of the English bill, the President offered to confer the highest political honors upon Mr. English, but he declined receiving any executive appointment. The same offer of executive favors occurred under the administration of President Johnson, with whom Mr. English had been on terms of the most intimate friendship ever since the winter and spring of 1844–45, at which time they boarded at the same house, and Mr. Johnson, then a member of Congress from Tennessee, aided in procuring an office for Mr. English under President Polk.

CONGRESSIONAL REMINISCENCES.

Mr. English entered Congress with Thomas A. Hendricks, Elihu B. Washburn and John C. Breckinridge, and, at subsequent sessions, John Sherman, W. S Groesbeck and George H. Pendleton, of Ohio; Roscoe Conkling, of New York, and Schuyler Colfax, of Indiana, became members, so that it may be said of Mr. English's colleagues that two of them became Vice-Presidents of the United States, and six have been prominently mentioned for the high office of President.

It is a sad commentary upon the short duration of human life, and the transitory nature of all earthly honors, that of the two Senators and eleven members of the House, constituting the Indiana delegation in the Thirty-third Congress, which ended in 1854, all are now dead but Thomas A. Hendricks and William H. English.

At the beginning of the Thirty-sixth Congress, John Sherman, now Mr. Hayes' Secretary of the Treasury, was nominated by the Republicans for Speaker; but after two months of great excitement, and a multitude of ballots, in which various persons were voted for, Gov. Pennington, of New Jersey, was finally elected.

In the course of this struggle Mr. English made a speech, from which we make a short extract, as it refers pointedly to his previous political history. He said:

"Those who are acquainted with my personal and political history know that I have never belonged to or sympathized with any other than the Democratic party. I have stood with that party against all the political organizations that have from time to time been arrayed against it. When the old Whig party existed, I opposed it upon those issues which have become obsolete and are no longer before the country. Upon the great question of slavery, which is the vital question of this day, I stand where the Democracy stood, and the Whig party stood, as long as the Whig party had an existence.

"Upon the advent of the Know-Nothing or American party, I opposed it persistently, and particularly the peculiar doctrines of that party in relation to naturalization and religion. My views upon these subjects have undergone no change. I am for our naturalization laws as they stand, and for the entire freedom of religious belief, and would resist to the last any infringement upon the one or the other."

EXCELSIOR.

The election of 1858 resulted in the return of Mr. English to Congress by a larger majority than ever. There had been no change in the boundaries of his district, but his career in this, as in everything else, had been upward and onward, *his majority gradually increasing at each election from* 488 *in* 1852 *to* 1,812 *in* 1858, *and this at a time when Democratic Congressmen were almost swept out of existence in the Northern States.*

THE SHADOW OF THE GREAT CIVIL WAR.

In the meantime the split in his political party continued to widen, and the shadows of the great civil war began to be visible to his keen and experienced vision.

Mr. English was then a member of the National Campaign Committee.

The approaching Democratic National Convention at Charleston, South Carolina, was a great event, pregnant with mighty consequences both to that party and to the country. Mr. English was not a delegate, but he went to Charleston to do what he could as a peacemaker, to prevent, if possible, the division of the Democratic party. If the judgment of such prudent and practical men as Mr. English had been followed, there would have been but one Democratic Presidential ticket, and such a conservative Democratic platform as probably would have commanded success. And if it had been successful, how different might have been the history of this country! But those who labored for harmony labored in vain, and Mr. English returned to Washington before the convention adjourned greatly discouraged at heart, but still hoping all would end well.

AGAINST SECESSION.

Then came the movement in the South in favor of dissolution. Mr. English was for pacification, if possible, and favored every measure tending to that result. On the subject of secession he was as firm and bold in opposing the views of his former political associates from the South as he had been in opposing the admission of Kansas as a state under the Lecompton constitution. He denounced it from the beginning, and made every effort to induce Southern members to abandon it. In a speech in the House of Representatives, he plainly told the South that "the great Democratic party, that has so long and so justly boasted of its nationality, must not degenerate into a mere sectional party, or a party that tolerates the sentiment of disunion; if it does, its days are numbered and its mission ended."

Alluding to the folly of the South, threatening to break up the Union because of the election of a sectional man to the President's chair, he told them that a corporal's guard of Northern men would not go with them out of the Union for such a cause, and that his constituents would only "march under the flag and keep step to the music of the Union." Addressing the Southern members, he said:

"Looking at this matter from the particular standpoint you occupy, it is to be feared you have not always properly appreciated the position of the Free-State Democracy, or the perils which would environ them in the event of a resort to the extreme measures to which I refer. Would you expect us in such an event to go with you out of the Union? If so, let me tell you frankly, your expectations will never be realized. Collectively, as states, it would be impossible, and as individuals, inadmissible; because it would involve innumerable sacrifices, and a severance of those sacred ties which bind every man to his own immediate country, and which, as patriots, we never would surrender."

But his appeals were in vain. The crisis of the great American conflict was at hand. It was now inevitable that the angry controversy would be transferred from the halls of Congress to be decided by a bloody and relentless war; an event he had hoped would never come, and zealously labored to avert.

RETIRES FROM CONGRESS WITH THE PLAUDITS OF HIS CONSTITUENTS.

He now determined at all hazards to retire from Congress and active political life, having served continuously through four terms. That he retired with the full and unqualified indorsement of his constituents, is shown by the fact that the convention which nominated his successor adopted unanimously the following resolution:

"*Resolved*, That in selecting a candidate to represent this district in the Thirty-seventh Congress, we deem it a proper occasion to express the respect and esteem we entertain for our present member, Hon. W. H. English, and our confidence in him as a public officer. In his retirement, in accordance with his well-known wishes, from the position of representative, which he has so long filled with credit to himself and benefit to the country, we heartily greet him with the plaudit, 'Well done, thou good and faithful servant.'"

Thus did he retire from active participation in political affairs, as an office-holder, without ever having sustained a defeat before the people, in the full meridian of success and with strong prospect of being advanced (had he made the effort) to still higher political honors.

SPEAKS FOR THE UNION.

Mr. English was a firm and consistent supporter of the Union cause.

The following account of a speech made by him about the time of the commencement of the war is taken from the *Madison Courier*, a paper not of Mr. English's politics:

"Mr. English spoke for over an hour. He said that he was opposed to the Republican doctrines, and should boldly assail Mr. Lincoln's policy whenever he thought it wrong, but as a native of Indiana, thoroughly identified with free state interests, he felt that his allegiance was exclusively due to the state of Indiana and government of the United States, and he should accordingly abide in good faith by their laws, and stand under the old time-honored flag.

"He trusted that the bitter cup of civil war might be passed from our lips, and he would exhaust every possible means of maintaining the peace; but if nothing will do but war, then we must all stand or fall together."

TRYING PERIOD OF HIS LIFE.

This was an eventful and trying period in his life. He had abandoned the field of politics and declined employment as an officer in the army. He had grown rusty in the law. After many years of intense activity, and at his age, he could not be satisfied to sit down in his little native village and do nothing. He tried it, but before the end of a year worried himself on account of his inactivity into a long spell of sickness, and gave up the "retired and quiet life" idea in despair.

MR. ENGLISH AS A BANKER.

He always had an aptitude for finance, and was encouraged to go into banking by his friends Hugh McCullough (then about entering upon the duties of Controller of the Currency) and the great bankers, J. F. D. Lanier, of New York, and George W. Riggs, of Washington City. The two latter became stockholders with him in the First National Bank of Indianapolis, which was founded by Mr. English in the spring of 1863. Of course, this required Mr. English to move to Indianapolis, where he has since resided. This bank was among the first organized in the United States under the national system, and the very first to get out its circulation.

In this, as in all other undertakings, Mr. English steadily persevered until he achieved a splendid success. He was soon recognized as a first-class business man, and gradually grew in favor with his colleagues and the public until he was the president of the Indianapolis Clearing-house Association and president of the Indiana Banking Association—the recognized head of the profession in his city and state.

The bank of which he was so long president commenced with a capital of $150,000, but he had the sagacity to secure as stockholders such men as J. F. D. Lanier, George W. Riggs, Gov. O. P. Morton, Gov. T. A. Hendricks, Hon. Franklin Landers and Hon. J. A. Cravens, and other gentlemen of the very highest financial and political standing, and under his admirable management very large dividends were paid to stockholders, and the capital increased to a million dollars, with several hundred thousand dollars surplus. For over fourteen years Mr. English presided over the bank with remarkable ability and unquestioned fidelity, until it was recognized as the first financial institution in the state, and among the first in the United States.

RESIGNS THE PRESIDENCY OF THE BANK AND RETIRES FROM ACTIVE BUSINESS.

In the meantime, Mr. English had acquired the controlling interest in the various street-railway lines of the city, and was largely interested in real estate and other business enterprises, which so severely taxed his energies that his health became somewhat impaired, and as his wife had long been in such feeble health as to make removal for a time to a warmer climate desirable, he determined to retire from active business. Accordingly, on the 25th of July, 1877, he resigned the presidency of the bank.

The stockholders and directors accepted this resignation with deep regret, and in doing so, unanimously adopted the following resolution:

Resolved, That the directors and stockholders of this bank sincerely regret the causes which impel the resignation of the Hon. Wm. H. English, so long president of this institution, and that in accepting the same they desire to express their thanks to him for the very great financial ability, constant watchfulness and perfect fidelity with which he has managed it from its organization to the present time.

Resolved, That the Executive Committee of the Board be directed to have prepared and present to him a suitable testimonial as a memento of our personal regard and esteem, and that he carry with him our most sincere wishes for a long life of usefulness and happiness."

Soon after retiring from the bank Mr. English sold out all his stock in the street railway and other companies, and now does not own a dollar of stock in any corporation whatever—which is very remarkable for a man of his large wealth.

POSITION ON FINANCIAL QUESTIONS.

The clear-headed comprehension of the situation during the great financial panic of 1873, and his cool and judicious management upon that trying occasion, did very much to prevent disaster to the Indianapolis banks, and to elevate him in public estimation as a good leader in great emergencies. One of the leading newspapers (*The People*), referring to this, said: "His conduct throughout the panic proved that his heart was in the right place—that the best interests of the city were in his thoughts—that he had the nerve and the will to sink self and proffer aid to those needing it."

Mr. English has always been the bold and fearless advocate of honest money and sound and conservative financial principles. Upon this important question his record is faultless, and so uniformly consistent that his position is never questioned. In a late interview he said: "For myself, I want our money to rank with the same standard recognized by all the great commercial nations of the world. I want no depreciated or unredeemable paper forced upon our people. I want the laboring man when pay-day comes to be paid in real dollars that will purchase just as much of the necessaries of life as the dollars paid to the bondholders or officeholders, and with as great purchasing power as the best money in the best markets of the world. Honesty, in my judgment, is the best policy in finance and politics, as well as in morals generally, and if politicians would take half as much trouble to instruct and enlighten the masses that they do to take advantage of their supposed prejudices it would be far better."

Of this bold and patriotic declaration of Mr. English the Boston *Post* no doubt echoed the general sentiment when it said: "If we could have the ear of every Democrat in the country we should be glad to know if anything better than this has been uttered, and who can honestly dissent from it?"

On the evening of October 25, 1873, a large meeting of the members of the Board of Trade and business men of Indianapolis took place, which the papers of the next morning designated as "the most noted assemblage of the sort held in the city for years." There was much excitement, and strong and general feeling that a further inflation of the currency was the best remedy for existing and threatened financial evils. Almost solitary and alone Mr. English combatted the correctness of this position, and in a forcible speech did much to change the current of thought upon the subject.

NO OFFICE-SEEKER, BUT HIS INTEREST IN POLITICS CONTINUES.

It should not be understood that because Mr. English retired from Congress in 1860, and declined longer to hold office, that he ceased to take an interest in public affairs. He was a delegate to the state convention in 1861, and in 1862 he was again spoken of for Congress, but declined the use of his name in a published letter, in which he advised his old Democratic constituents to keep up their organization and stand by the Constitution and the Union. He said :

"It is perhaps superfluous for me to add that, as a private citizen, neither seeking nor desiring office, I shall exert whatever influence I possess to maintain the Constitution and the Union, and speedily suppress the rebellion. We must not allow ourselves to be driven from correct principles by any amount of misrepresentation or even persecution.

"I would say, let us stand together under the old flag and in the old organization, fighting secessionism to the bitter end, assailing the administration wherever we conscientiously believe it to be in error, but upholding the Constitution and laws, and never losing sight of that great historical fact, which can never be overcome by misrepresentation and abuse, and that is, that under the rule of the Democracy the country grew to be one of the greatest nations of the earth, and as long as they had power the people of the states were prosperous and happy."

MICHAEL C. KERR AND RESOLUTIONS IN FAVOR OF MCCLELLAN AND THE UNION.

In 1864 he was a delegate to the congressional convention which nominated that sterling patriot, Michael C. Kerr, to Congress, and who died while Speaker of the House. Mr. Kerr and Mr. English were life-long friends, and Mr. Kerr said often that he owed his seat in Congress to Mr. English.

Mr. English was an advocate of Gen. McClellan for President, and introduced the resolution in the convention of the Second Congressional district declaring for McClellan as first choice. Also a resolution declaring, "that we are now, as we ever have been, unqualifiedly in favor of the union of the States, under the Constitution, and stand ready, as we have ever stood heretofore, to do everything that loyal and true citizens should do to maintain that Union under the Constitution, and to hand it down to our children unimpaired as we received it from our fathers."

BUSINESS INCREASES—SEYMOUR AND TILDEN.

Mr. English's business continued to increase until it reached such immense proportions that it absorbed all his time, and he could give but little attention to political affairs ; but he was a firm friend and supporter of Gov. Seymour and Gov. Tilden, and presided at the meeting held at the capital of the state, ratifying the nomination of Tilden and Hendricks. Upon that occasion he said :

' It is known to you, fellow-citizens, that I have not of late years been an active participant in political affairs. Preferring the quiet pursuits of private life and intending not to be drawn into the turmoils of active politics, I nevertheless am not an indifferent spectator in this contest, and certainly do not forget the past. I do not forget that I was born a Democrat ; was long an earnest, hard-working member of the party, always a firm believer in its great cardinal principles, and frequently a recipient of its favor at a time when such favors were to me of inestimable value. With such antecedents, and a heart which I know is not incapable of gratitude, I could not be indifferent to the fate of this grand old party, and although in bad health and shrinking from appearing as a participant in a public political meeting, I could not forego the pressing call that was made upon me to preside upon this occasion, because I sincerely believe that the time has arrived when the welfare of the people demands thorough reform in the affairs of the general government, and that such reform can now only be certainly and effectively secured by the election of Tilden and Hendricks."

RESIDENCE, MARRIAGE AND CHILDREN.

Mr. English has a residence in Indianapolis, fronting upon a beautiful circular park known as the "Governor's Circle," so called because originally designed as the site for the residence of the governor of the state.

He was married to Miss Emma Mardulia Jackson, of Virginia, on the 17th day of November, 1847, in the city of Baltimore, Md., the Rev. Henry Slicer, chaplain of the United States Senate, performing the ceremony, and no union could have been more felicitous and happy than this was during its long continuance. This estimable lady died at Indianapolis, November 14, 1876, universally loved and respected by all who knew her.

Two children were the issue of this marriage, a son and a daughter. The son is the Hon. W. E. English, a young man of fine promise, now a member of the Indiana House of Representatives, being the third of the family in lineal descent who has occupied that position—father, son and grandson. The daughter, Rosalind, is the wife of Dr. Willoughby Walling, an eminent physician of Louisville, Ky., and is the mother of two fine boy babies, William English Walling and Willoughby George Walling.

AFTER RETIRING FROM ACTIVE BUSINESS IN 1877.

The foregoing incidents of an exceptionally active and successful life bring its history down to the year 1877, when Mr. English, crowned with success in every undertaking, with a political and business record without a blemish, and at the very meridian of his powers, sought the retirement of private life to enjoy in quiet society the well-earned trophies of former years. But in this retirement Mr. English was not unmindful of his country nor neglectful of the interests of the Democratic party, whose principles he had espoused in his youth, and whose standard-bearer he had been in many a hotly-contested conflict. Always a close observer of passing events, he continued to manifest his deep solicitude for the success of the Democratic party, and with his ripe experience was ever ready to aid it by his counsel.

STANDING BEFORE THE PUBLIC.

His splendid triumph in every enterprise with which he had been identified for a quarter of a century made his name a synonym of success. His services in the Indiana legislature, the national fame he had acquired in Congress and the superior abilities he had displayed as a financier, and his fidelity to every trust, all combined to give him a prominence which was continually attracting the attention, not only of his fellow-citizens of his native state, but of the most distinguished men of the country; and to these circumstances alone must be credited his present enviable position before the American people and the unsolicited association of his name with high official trusts. It should be understood that Mr. English seeks retirement. He has voluntarily surrendered advanced positions in public life for the enjoyments to be garnered only in the walls of a private citizen. The distinction and emoluments of the office had lost their attractions, and having earned honor and wealth, he was willing to surrender his place in the shining pathway of fame to others, content to see them crowned, as he had been, with the approbation of their countrymen. But Mr. English could not control the logic of circumstances. As a result, and independent of his volition, there is, at this time, what seems to be a very general wish to call him from retirement and prominently identify him with passing political events.

SOME TRAITS OF CHARACTER.

Mr. English is logical rather than ornate. His mind is a crucible in which error is eliminated from truth, and the tests of his analysis being satisfactory, he is proof against sophisms or the blandishments of flattery. With a mind trained from early manhood in a school of logic which dignified facts, the brilliancy of fiction never beguiles him from the luminous pathway mapped out by reason ; and hence, as a result, his public and private life is singularly free from the mistakes that have embarrassed other public men, and his past good fortune in this regard points to him with special distinctness as eminently qualified for public trusts, no matter what the gravity of their responsibilities may be. At school, a student of law, an attorney, principal clerk of the Indiana legislature, secretary of the constitutional convention, member of the legislature and Speaker of the House, member of Congress, banker and private citizen, at all times clear, concise and self-poised, William H. English has demonstrated, as few men have done, capacities of the first order, and which command universal respect. In such a life, so varied in its responsibilities, developing always and continually in the same direction, of pure character, high resolves and noble ambitions, there must be of necessity certain forces and factors of integrity of purpose, and of fidelity to the public walfare, as are certain to attract public attention and demand an enlargement of their domain and usefulness.

AS A FINANCIER AND STATESMAN.

It touches every interest and commands universal consideration. Where is the man whose views will best harmonize the East and the West, the North and the South, upon this question? This much may be said of Mr. English, that his financial experience, his comprehension of financial theories and results, his pronounced conservatism, and his acknowledged ability as a financier, designate him as the peer of the most advanced student of finance in all of its varied applications to the demands of the country. To the South always just; to the North an inflexible friend, comprehending the wants and interests of the East, with an extended knowledge of the West and its expanding and enfolding growth and resources—Mr. English includes in his thought and experience all the essentials of an admistration of affairs in which the harmonies of interests and the logic of development are most admirably blended. The logic of events points to him as a distinguished native Indianian, who, should circumstances create an inevitable necessity, would exhibit to the country those exalted traits of character which in these times are sought for with profound solicitude.

AS A MAN OF ACTION AND BUSINESS.

Mr. English is a man of action rather than of words. His efforts as a debator are more remarkable for practical common sense than for brilliancy of oratory or the flowers of rhetoric; his mind, strictly practical in all its scope and bearings, is eminently utilitarian. Energy of character, firmness of purpose and an unswerving integrity are his chief characteristics. In personal intercourse he is inclined to be retiring and reserved, which might be attributed to haughtiness or pride by a stranger, but to an acquaintance or friend he is open, candid and affable. In the private and social relations of life he stands "without blemish and above reproach."

As a business man he has most valuable qualities. Without being too cautious, he is prudent and conservative. He looks searchingly and comprehensively into the nature and probable results of all schemes, and when he once puts his shoulder to the wheel it is with a strength that carries all before it. He is not demonstrative in anything that he does, but there is a quiet, determined and unceasing application of his whole resources of mind and energy to the end in view.

THE RECORD

OF

JAMES A. GARFIELD.

The Credit Mobilier Fraud. The District of Columbia Ring and the De Golyer Bribe. The Sanborn Frauds. The Back Pay Grab and the Salary Steal. The Indian Ring—Garfield's Services in its Behalf. Encouraging and Defending Petit Larceny. Garfield the Champion of O. O. Howard. The Black Friday Scandal—Garfield's Effort to Suppress the Truth. Garfield the Friend of Robeson. Garfield Champions Geo. F. Seward. The Electoral Commission. Three Monstrous Grievances. The Pacific Steal. The Moth Swindle. Garfield and the Laboring Men. Some of Garfield's Votes. Garfield and General Shields. Garfield against Free Salt. The Judgment of his Republican Constituents. Garfield and the National Bouquet Shop. Garfield against the Shipbuilders of New England. Garfield and Chinese Immigration. Garfield's Insult to the Mexican Veterans. Garfield and Profligate Expenditures. Garfield on taxing Printing Paper. Garfield against the Distillers of his Own State.

A PYRAMID OF CORRUPTION! A MONUMENT OF FRAUD!

THE RECORD OF JAMES A. GARFIELD.

James A. Garfield entered the Union Army in 1861, as Colonel of the Forty-second Ohio Volunteers. He was promoted to the rank of brigadier-general, January 10, 1862, and was brevetted a major-general, September 20, 1863, after he had been elected a member of the Thirty-eighth Congress from the 19th District of Ohio. He was sworn in on the 7th of December, 1863. His active Congressional life began at that time with the first session of the Thirty-eighth Congress. He has served continuously since, and his ninth term will expire March 4, 1881. General Garfield has more than average ability. Like many other of our public men he has risen from the humblest walks of life, but more than one-half of his life has been spent in the public service. His opportunities for improvement have been exceptionably good. He is an industrious and methodical student. After completing his collegiate course he became a minister of the gospel, and the early years of his manhood were devoted to that high and honorable calling. Earnest conviction, decision of character and stern morality are the characteristics which we would naturally expect to see illustrated by his public career. Has this been the case ? Let his record answer. He began his Congressional career at an era when profligacy and corruption were rampant in the public service. At the very outset he had the opportunity to enroll himself as an honest and fearless champion of public economy in his own party. The Act of 1864, known as the amendment to the Charter of the Pacific Railroad, was passed by the Thirty-eighth Congress. It was opposed at every step of its progress in the House of Representatives by Mr. Elihu B. Washburne, of Illinois. Its true character was demonstrated by him. The record shows that General Garfield supported the iniquitous measure. At a later period when these monster corporations demanded additional legislation, General Garfield, with a full knowledge of the flagrant corruption by which they had succeeded in and out of Congress, was always their zealous and influential champion.

HE DOES NOT DESERVE WELL OF HIS COUNTRY ?

Always serving on the important committees, no man in public life, during the last quarter of a century, has had better opportunities to serve the cause of good government than General Garfield. No one has more signally failed. Can any one point to a single instance during his eighteen years service in Congress where he has appeared as the champion of retrenchment and reform ? We assert that he has been the supporter of every job, the defender of every steal, which by hook or by crook got through Congress from 1863 to 1875, and challenge his defenders to prove the contrary by his record !

The inconsistencies of General Garfield's public life show that he is utterly without conviction. He is one of the few Americans who was enrolled as a member of the Cobden Free Trade Club, of London, England. In private life he has been the friend and associate of David A. Wells, Horace White and other distinguished free traders. As a political economist he has never hesitated to say that he believed in revenue reform, and yet, in his letter of acceptance of July 12, 1880, he says :

> " In reference to our customs laws a policy should be pursued which will bring revenues to the " Treasury, and will enable the labor and capital employed in our great industries to compete " fairly in our own markets with the labor and capital of foreign producers. We legislate for the " people of the United States, not for the whole world."

"A CIVIL SERVICE REFORMER IN 1877."

General Garfield has again and again declared that he was in favor of civil service reform. Upon more than one occasion he has posed in Congress, and out of it, as a civil service reformer. In an article published in the *Atlantic Monthly* for July, 1877, entitled, "*A Century of Congress,*" he discussed the question of appointment to office as follows :

> To sum up in a word : the present system invades the independence of the executive, and makes him less responsible for the character of his appointments; it impairs the efficiency of the legislator by diverting him from his proper sphere of duty, and involving him in the intrigues of aspirants for office; it degrades the civil service itself by destroying the personal independence of those who are appointed; it repels from the service those high and manly qualities which are so necessary to a pure and efficient administration ; and, finally, it debauches the public mind by holding up public office as the reward of mere party zeal. To reform this service is one of the highest and most imperative duties of statesmanship. This reform cannot be accomplished without a complete divorce between Congress and the executive in the matter of appointments. It will be a proud day when an administration Senator or Representative, who is in good standing in his party, can say as Thomas Hughes said, during his recent visit to this country, that though he was on the most intimate terms with the members of his own administration, yet it was not in his power to secure the removal of the humblest clerk in the civil service of his government. (See page 61, vol. xl., *Atlantic Monthly.*)

A MACHINE POLITICIAN IN 1880.

In his letter of acceptance Gen. Garfield goes square back on himself and all the pretensions of his party in regard to civil service reform, as follows:

> To select wisely from our vast population those who are best fitted for the many offices to be filled requires an acquaintance far beyond the range of any one man, The executive should, therefore, seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice.

The Record of Gen. Garfield is voluminous. To properly present it for the candid judgment of the people of the United States involves the history of all the principal scandals which have vexed the public mind for many years, and brought our character and institutions into reproach the world over. This disgraceful record would have rendered Gen. Garfield's nomination, even by the Republican party, for the Presidency impossible, had such a misfortune been supposed possible. His nomination was an accident. Every argument used by so-called reform Republicans against Blaine, applies with even more force to Garfield.

We have arranged his record in the following order :

I. The Credit Mobilier Fraud.
II. The District of Columbia Ring and the De Golyer Bribe.
III. The Sanborn Frauds.
IV. The Back Pay Grab and the Salary Steal.
V. The Indian Ring—Garfield's Services in its Behalf.
VI. Encouraging and Defending Petit Larceny.
VII. Garfield the Champion of O. O. Howard.
VIII. The Black Friday Scandal—Garfield's Effort to Suppress the Truth.
IX. Garfield the Friend of Robeson.
X. Garfield Champions Geo. F. Seward.
XI. The Electoral Commission.
XII. Three Monstrous Grievances.
XIII. The Pacific Mail Steal.
XIV. The Moth Swindle.
XV. Garfield and the Laboring Men.
XVI. Some of Garfield's Votes.
XVII. Garfield and Gen. Shields.
XVIII. Garfield against Free Salt.
XIX. The Judgment of his Republican Constituents.

THE CREDIT MOBILIER FRAUD.

In our exposition of General Garfield's connection with the Credit Mobilier, the monster fraud of the nineteenth century, we desire to do him no injustice. The following is his defence in his own language, furnished by him for a campaign biography, written by Colonel Russell H. Conwell, of Massachusetts :

In reference to myself, the following points are clearly established by the evidence :

1. That I neither purchased nor agreed to purchase the Credit Mobilier stock which Mr. Ames offered to sell me, nor did I receive any dividend arising from it. This appears from my own testimony, and from the first testimony given by Mr. Ames, which is not overthrown by his subsequent statements ; and it is strongly confirmed by the fact that, in the case of each of those who did purchase the stock there was produced as evidence of the sale either a certificate of stock, receipt of payment, a check drawn on the name of payee, or entries in Mr. Ames' diary of a stock account marked, adjusted and closed, but that no one of these evidences exist in reference to me. This position is further confirmed by the subsequent testimony of Mr. Ames, who, although he claims that I did receive $329 from him on account of the stock, yet repeatedly testifies that, beyond that amount, I never received or demanded any dividend ; that he did not offer me any, nor was the subject alluded to in conversation between us.

Mr. Ames admits, on page 40 of the testimony, that after December, 1867, the various stock and bond dividends on the stock he had sold amounted to an aggregate of more than eight hundred per cent. and that between January, 1868, and May, 1871, all these dividends were paid to several of those who purchased the stock. My conduct was wholly inconsistent with the supposition of such ownership, for during the year 1869 I was borrowing money to build a house in Washington, and was securing my creditors by giving mortgages on my property ; and all this time it is admitted that I received no dividends and claimed none. The attempt to prove a sale of the stock to me is wholly inconclusive, for it rests, first, on a check payable to Mr. Ames himself, concerning which he several times says he does not know to whom it was paid ; and, second, upon loose undated entries in his diary which neither prove a sale of stock nor any payment on account of it. The only fact from which it is possible for Mr. Ames to have inferred an agreement to buy the stock was the loan to me of $300. But that loan was made months before the check of June 22, 1868, and was repaid in the winter of 1869; and after that date there were no transactions of any sort between us. And, finally, before the investigation was ended, Mr. Ames admitted that, on the chief point of difference between us, he might be mistaken.

The initial exposure of the Credit Mobilier was made by the New York *Sun*, September 12, 1872, when the testimony of Henry S. McComb and the letters of Oakes Ames were first printed. General Garfield's first statement of his connection with the swindle was made from his dictation by the Washington correspondent of the Cincinnati *Gazette* and will be found in that paper of September 16, 1872, as follows :

GENERAL GARFIELD'S STATEMENT IN 1872.

General Garfield, who has just arrived here from the Indian country, has to-day had the first opportunity of seeing the charges connecting his name with receiving shares of the Credit Mobilier from Oakes Ames. He authorizes the statement that he never subscribed for a single share of that stock, and that he never received or saw a share of it. When the company was first formed, George Francis Train, then active in it, came to Washington and exhibited a list of subscribers of leading capitalists and some members of Congress to the stock of the company. The subscription was described as a popular one of one thousand dollars cash. Train urged the General to subscribe on two occasions and each time he declined. Subsequently he was again informed that the list was nearly completed, but that a chance remained for him to subscribe, when he again declined, and to this day he has not subscribed or received any share of stock or bond of the company. It is well known here that under the Durant regime it was claimed by Durant and George Francis Train that some six hundred thousand dollars of the company's money was used in Washington ; but when the company attempted to obtain the vouchers and names of the parties to whom payments had been made, it was impossible to obtain anything but vague and unsatisfactory statements. The list which the liberal papers are now circulating bear a very close resemblance to many others originating with George Francis Train.

WHAT THE CINCINNATI GAZETTE SAID LATER.

After Oakes Ames produced his famous memorandum book before the Poland Committee, and the whole truth about General Garfield's connection with the Credit Mobilier fraud was made plain, Gen. Boynton telegraphed to the Cincinnati *Gazette* as follows:

From the Cincinnati Gazette, Jan. 23, 1873.

Ames' testimony to-day, fortified as it was by transcripts from his books, has created more sensation than any incident of a congressional investigation for many years. It left Mr. Colfax in the same position as Senator Patterson, except that there was no final settlement.

Both Garfield and Kelley took ten shares and Ames carried them and let the dividends pay for the investment. Both received the first dividends in bonds, which Ames sold and applied on their purchase, and both received the balance due from the second cash dividend, $329, in stock from the Sergeant-at-Arms.

He never had any talk with either about the transaction being one of borrowed money, until since the investigation began. Garfield called on him to consider that it was borrowed.

The *Gazette,* commenting editorially on Ames' testimony, said:

After a full belief, founded upon such information as could be obtained here, *that the denials* (Garfield and others), *were all true in the unqualified sense* in which the public received them, it was very far from pleasant to know that the committee of investigation had scarcely touched the matter in hand before the whole fabric of denial fell, AND EVERY ONE *whose name appeared on the Oakes Ames' list, was found to be a greater or less degree* INVOLVED."

The New York *Tribune*, commenting on the above, said: " *This is the opinion of more than half the community.*"

GEN. GARFIELD'S SWORN STATEMENT.

On January 14, 1873, Gen. Garfield testified as follows (*See Poland Report, Credit Mobilier, pages* 128–9) :

The first I ever heard of the Credit Mobilier was some time in 1866 or 1867—I cannot fix the date—when George Francis Train called on me and said he was organizing a company to be known as the Credit Mobilier of America ; to be formed on the model of the Credit Mobilier of France ; that the object of the company was to purchase lands and build houses along the line of the Pacific Railroad at points where cities and villages were likely to spring up ; that he had no doubt money thus invested would double or treble itself each year ; that subscriptions were limited to $1,000 each, and he wished me to subscribe. He showed me a long list of subscribers, among them Mr. Oakes Ames, to whom he referred me for further information concerning the enterprise. I answered that I had not the money to spare, and if I had I would not subscribe without knowing more about the proposed organization. Mr. Train left me, saying he would hold a place open for me, and hoped I would yet conclude to subscribe. The same day I asked Mr. Ames what he thought of the enterprise. He expressed the opinion that the investment would be safe and profitable.

I heard nothing further on the subject for a year or more, and it was almost forgotten, when some time, I should say, during the long session of 1868, Mr. Ames spoke of it again ; said the company had organized, was doing well, and he thought would soon pay large dividends. He said that some of the stock had been left or was to be left in his hands to sell, and I could take the amount which Mr. Train had offered me, by paying the $1,000, and the accrued interest. He said if I was not able to pay for it then, he would hold it for me till I could pay, or until some of the dividends were payable. I told him I would consider the matter ; but would not agree to take any stock until I knew, from an examination of the charter and the conditions of the subscription, the extent to which I should become pecuniarily liable. He said he was not sure, but thought a stockholder would be liable only for the par value of his stock ; that he had not the stock and papers with him, but would have them after a while.

From the case, as presented, I probably should have taken the stock if I had been satisfied in regard to the extent of pecuniary liability. Thus the matter rested for some time, I think until the following year. During that interval I understood that there were dividends due amounting to nearly three times the par value of the stock. But in the meantime I had heard that the company was involved in some controversy with the Pacific Railroad, and that Mr. Ames's right to sell the stock was denied. When I next saw Mr. Ames I told him I had concluded not to take the stock. There the matter ended, so far as I was concerned, and I had no further knowledge of the company's operations until the subject began to be discussed in the newspapers last fall.

Nothing was ever said to me by Mr. Train or Mr. Ames to indicate or imply that the Credit Mobilier was or could be in any way connected with the legislation of Congress for the Pacific Railroad or for any other purpose. Mr. Ames never gave, nor offered to give, me any stock or other valuable thing as a gift. I once asked and obtained from him, and afterward repaid to him, a loan of $300 ; that amount is the only valuable thing I ever received from or delivered to him.

I never owned, received, or agreed to receive any stock of the Credit Mobilier or of the Union Pacific Railroad, nor any dividend or profits arising from either of them.

OAKES AMES DESIRED TO SCREEN GARFIELD.

Oakes Ames' first impressions of the Credit Mobilier were remarkably similar to those of Gen. Garfield. Gen. Garfield, in his sworn statements, says that he obtained his first information, in 1866 and 1867, from George Francis Train. Oakes Ames testified as follows (*see page* 38, *Poland Report, Credit Mobilier*):

Q. Can you tell us when the Credit Mobilier was chartered by the Pennsylvania Legislature ? A. No, sir, I cannot. I had nothing to do with the Credit Mobilier until 1865, I think.

Q. It was prior to 1865, then ? A. My impression is that it was an old charter that George Francis Train had control of. Mr. Durant bought it of him. Mr. Durant was one of the first stockholders of the Union Pacific Railroad.

Q. When did this corporation, known as the Credit Mobilier, become interested in the construction of the Union Pacific Railroad ? A. I think I had something to do with some of the early contracts which are set forth in this paper printed here. There was the Hoxie contract, which, if I am not mistaken, was run by the Credit Mobilier. It was used in this way, in some shape, for a year or two before I had anything to do with it. I think the first contract for the Credit Mobilier was the Hoxie contract, and the dates of it, as given here, were August 8, 1864; May 12, 1864; and October 1, 1864.

When Mr. Oakes Ames first testified before the Poland Committee he was desirous of shielding all the members of Congress to whom he had given Credit Mobilier stock. It will be remembered that the committee first sat with closed doors; that its proceedings were secret; that after Ames had testified each one of the implicated Congressmen came before the committee and made their written statements. It is a fact generally known, often stated and never denied, that after the committee to investigate had been raised all of the implicated Congressmen met with Mr. Ames in the Committee-room on Pacific Railroads of the House, and there agreed among themselves : *First,* as to what Ames was to testify to; and, *Second,* how each one implicated by him was to answer before the committee. In pursuance of this agreement Oakes Ames, December 18, 1872, appeared before the committee, when Mr. McMurtrie, his counsel, read a paper which he had prepared. It was a general statement of Mr. Ames' connection with the Credit Mobilier. In this paper he speaks of the transactions he had with the various members of Congress. To show how anxious he was to screen them we quote what he said of Mr. Colfax (*see page* 20, *Poland Report, Credit Mobilier*):

Mr. Colfax is one mentioned. I cannot remember which of us first mentioned the subject, but I know he wanted to get some stock. I am pretty confident he has paid me for it, though it was never transferred to him, nor can I remember having paid over to him any dividends. At the next session he said something about that thing being off.

He dismissed Gen. Garfield as follows:

I agreed to get ten shares of stock for him, and hold it until he could pay for it. He never did pay for it or receive it.

When examined by the Chairman of the Committee in regard to Gen. Garfield, Mr. Ames testified as follows (*see page* 28, *ibid*):

BUT AMES SWORE HE HAD THE STOCK.

Q.—In reference to Mr. Garfield you say that you agreed to get ten shares for him, and so hold them until he could pay for them, and that he never did pay for them, nor receive them ? A. Yes, sir.

Q. He never paid any money on that stock, nor receive any money from it ? A. Not on account of it.

Q. He received no dividend ? A. No, sir, I think not. He says he did not. My own recollection is not very clear.

Q. So that, as you understand, Mr. Garfield never parted with any money nor received any money on that transaction ? A. No, sir. He had some money from me once—some three or four hundred dollars—and called it a loan. He says that is all he ever received from me, and that he considered it a loan. He never took his stock, and never paid for it.

Q. Did you understand it so ? A. Yes; I am willing to so understand it. I don't recollect paying him any dividend, and have forgotten that I paid him any money. (*See page* 39, *Ibid.*)

* * * * * *

Q. Did you solicit all these members of Congress to take stock ? A No; I think most of them solicited me.

Q. Was not stock promised to any members of Congress prior to the summer or fall of 1867, by you, or to your knowledge ? A. Some members of Congress owned it before this, and I think some members of Congress had spoken to me about it. I told them I would try to get some, but we had none to give them until the stock held by Mr. Durant, not being paid for, was transferred to the company. I had sold some of my own stock to parties.

Q. When was the act passed which subordinated the Government loan to that of the Union Pacific Railroad Company ? A. In 1864.

Q. Did any members of Congress hold any of this stock prior to that time ? A. I think not. I do not know of any. I had nothing to do with it until long after that time.

THEY DID NOT WANT IT WHEN IT WAS DANGEROUS.

Q. When you received money from these gentlemen for stock was it assigned to them, or did it still remain in your name ? A. It still remained in my name ; most of it.

Q. Why was it not assigned ? A. I don't know of any reason, except that when a man buys stock and keeps it there is no use of transferring it ; when the suit of Mr. McComb was brought, they did not, any one of them, want to own the stock.

* * * * * *

Q. Who received the dividends ? A. Mr. Patterson, Mr. Bingham, James F. Wilson did, and I think Mr. Colfax received a part of them. I do not know whether he received them all or not. I think Mr. Scofield received a part of them. Messrs. Kelley and Garfield never paid for their stock, and never received their dividends (see page 41, *ibid*).

* * * * * *

Q. Had not a Congressional investigation into the affairs of the Union Pacific Railroad Com-

> pany and the Credit Mobilier, one or both of them, been threatened prior to January 30, 1868? A. I do not know whether there had or not. It used to be talked about sometimes up there in New York. I do not know that I ever heard anything of it here.
>
> Q. Was there or not an investigation by Congress referred to in your letter to Mr. McComb of January 30, 1868, in which you say, "I do not fear any investigation here." A. Yes, probably; I had nothing to fear from an investigation.
>
> Q. Then a Congressional investigation had been suggested prior to that time? A. Up there in New York; not here, that I know of.
>
> Q. You say in the same letter that, in view of King's letter and Washburn's move, you go in for making the bond dividend in full. What did you refer to by "Washburn's move" here? A. Washburn made an attack upon the Union Pacific Railroad, that we were charging too much fare; that our lands were enormously valuable, worth five to ten dollars an acre for the alkali regions on the plains; that they were not going to build the road so as to be good for anything; that the object was to get the Government bonds, and then abandon the road to the Government.
>
> Q. Had Washburn said anything about an investigation? A. I do not recollect that he had. He wanted to fix a rate of fare by law, beyond which we could not charge. He wanted us to be restricted to a certain amount. That was one of the things he claimed. I do not remember fully all he did claim.
>
> Q. In your letter to Mr. McComb of January 25, 1868, you say you think that the dividends having been paid you ought to make the Credit Mobilier capital four millions, and distribute the new stock where it will protect you, &c. What do you mean by having stock placed where it will protect you? A. Placed with men of character, property and standing. I wanted that such men should own it and have interest with us (see pages 46 and 47, *ibid*).

* * * * * *

THE TALK IN THE SENATE IN 1869.

> Q. Are you not aware that in 1869 there was a discussion on this subject in the Senate, and that opinions were expressed inconsistent with those you now express? A. I do not know. There have been all kinds of opinions expressed, in the Senate and House both, on all subjects.
>
> Q. Were you not present in a debate in the Senate in April, 1869, in which Mr. Stewart, of Nevada, and many other persons participated, in which they thought the whole transaction a gross and stupendous fraud? A. I think it very likely that such things were said in the Senate in 1869, and I do not know but Mr. Stewart may have said them.
>
> Q. Were you not present when that discussion occurred? A. I do not know. I heard debates probably about that time in the Senate. That was about the time, if I remember right, when we were trying to fix the terminal point of the two roads, and I think it was in relation to that.
>
> Q. Was it not in regard to the other matter on which you stated that legislation was asked, namely, the removal of the place of business from New York to Boston? A. I cannot tell you.
>
> Q. And you do not recollect that you were present at the debate referred to? A. I have been present when debates in the Senate have occurred on questions of that kind.
>
> Q. You do not recollect a debate on this subject in which Mr. Stewart participated? A. I remember something of such a debate. I cannot recollect what Mr. Stewart said.

JOHN B. ALLEY CORROBORATES AMES.

John B. Alley, then a member of Congress from Massachusetts, a stockholder in the Union Pacific Railroad and Credit Mobilier, in his testimony before the Poland Committee, explained how the suit of Henry S. McComb, which resulted in the exposure of the Credit Mobilier fraud, came to be brought (see pages 91 and 92).

> His counsel, Judge Black, called upon me, and had several conversations upon the subject, in which he urged with great force the necessity of Mr. Ames compromising this suit, and said that I, as the friend of Mr. Ames, ought to do everything in my power to save him from such terrible disgrace as the publication of these letters would occasion.
>
> * * * * * *
>
> Judge Black still insisted that McComb had these letters, and the names of the parties he said were inserted by Ames in the letters, and he understood that the names of Colfax, Boutwell and Wilson were among them, also Mr. Garfield. He should be very sorry, he said, to expose Mr. Garfield, who was a particular friend of his. He said it would be found that these gentlemen and several others were stockholders who were also members of Congress.

THE TRUTH CAME OUT BY DEGREES.

The attempt to smother the investigation and suppress the facts in regard to the bribery of members of Congress was too patent to deceive the public. The committee sitting with closed doors suffered no fact in regard to the testimony taken by it to reach the press. Public sentiment made itself felt during the holiday recess, and when Congress reassembled on January 6, 1873, a resolution was introduced in the House and passed directing the committee to sit with open doors. Gen. Boynton, the Washington correspondent of the *Cincinnati Gazette*, in his dispatch to that paper speaks of this as follows:

> The session of the House to-day was the liveliest of the season. The whole session after the morning hour was devoted to the consideration of the Credit Mobilier in one form or other. There was a quiet attempt from several quarters to defeat the attempt to open the doors of the Committee room, but the sentiment of the House was too decided and the resolution passed.

From that day forward the proof came out by degrees. Mr. Colfax, Vice-President of the United States and Mr. Patterson, Senator from New Hampshire, had raised a question of veracity between themselves and Oakes Ames. This forced Mr. Ames to tell the whole truth. In the course of his different examinations by the Poland Committee he produced his famous memorandum book, in which he had set down in detail his transactions with all the implicated Congressmen. On January 22, 1873, Mr. Ames was recalled. In the course of that day's examination, after disposing of Mr. Colfax and Mr. Allison, he came to Gen. Garfield. (See page 295, ibid).

Q. In regard to Mr. Garfield, state to the Committee the details of the transaction between you and him in reference to Credit Mobilier stock ? A. I got for Mr. Garfield ten shares of the Credit Mobilier stock for which he paid par and interest.

Q. When did you agree with him for that ? A. That agreement was in December, 1867, or January, 1868 ; about that time ; about the time I had these conversations with all of them. It was all about the same time.

Q. State what grew out of it ? A. Mr. Garfield did not pay me any money. I sold the bonds belonging to his $1,000 of stock at $97 making $776. In June I received a dividend in cash on his stock of $600, which left a balance due him of $329, which I paid him. That is all the transaction between us. I did not deliver him any stock before or since. That is the only transaction and the only thing.

THAT $329 WHICH GARFIELD GOT.

By Mr. Merrick: Q. The $329 which you paid him was the surplus of earnings on the stock above the amount to be paid for it par value ? A. Yes, sir ; he never had either his Credit Mobilier stock or Union Pacific Railroad stock. The only thing he realized on the transaction was the $329.

Q. I see in this statement of the account with General Garfield, there is a charge $47; that is interest from the July previous. is it ? A. Yes, sir.

Q. And the $776, on the credit side of the account is the 80 per cent. bond dividend sold at 97 ? A. Yes, sir

Q. And the $600 on the credit side is the money dividend ? A. Yes, sir.

Q. And after you had received these two sums, they in the aggregate overpaid the price of stock and interest $329, which you paid to him ? A. Yes, sir.

Q. How was that paid ? A. Paid in money I believe.

Q. Did you make a statement of this to Mr. Garfield ? A. I presume so ; I think I did with all of them ; that is my impresssion.

Q. When you paid him this $329, did you understand it was the balance of his dividend after paying for his stock ? A. I supposed so; I do not know what else he could suppose.

Q. You did not deliver the certificate of stock to him ? A. No, sir ; he said nothing about that.

Q. Why did he not receive his certificate ? A. I do not know.

Q. Do you remember any conversation between you and him in the adjustment of these accounts ? A. I do not.

Q. You understood that you were a holder of his ten shares ? A. Yes, sir.

Q. Did he so understand it ? A. I presume so. It seems to have gone from his mind, however.

Q. Was this the only dealing you had with him in reference to any stock ? A. I think so.

Q. Was it the only transaction of any kind ? A. The only transaction.

Q. Has that $329 ever been paid to you ? A. I have no recollection of it.

Q. Have you any belief that it ever has ? A. No, sir.

Q. Did you ever loan General Garfield $300 ? A. Not to my knowledge; except that he calls this a loan.

Q. You do not call it a loan ? A. I did not at the time. I am willing it should go to suit him.

Q. What we want to get at is the exact truth. A. I have told the truth in my statement.

Q. When you paid him $329, did he understand that he borrowed that money from you ? A. I do not suppose so.

Q. Have you any belief now that he supposed so ? A. No; only from what he said the other day. I do not dispute anybody.

Q. We want your judgment of the transaction. A. My judgment of the transaction is just as I told you. There was but one thing about it.

Q. That amount has never been repaid to you ? You did not suppose that you had any right to it, or any claim to it ? A. No, sir.

Q. You regarded that as money belonging to him after the stock was paid for ? A. Yes, sir.

Q. There were dividends of Union Pacific Railroad stock on these ten shares ? A. Yes, sir.

Q. Did General Garfield ever receive these ? A. No, sir; never has received but $329.

IT WAS NOT A LOAN.

Q. And that he has received as his own money ? A. I suppose so; it did not belong to me. I should not have given it to him if it had not belonged to him.

Q. You did not understand it to belong to you as a loan; you never called for it, and have never received it back ? A. No, sir.

Q. Has there been any conversation between you and him in reference to the Pacific stock he was entitled to ? A. No, sir.

Q. Has he ever called for it ? A. No, sir.

Q. Have you ever offered it to him ? A. No, sir

Q. Has there been any conversation in relation to it ? A. No, sir.

Q. Has there ever been anything said between you and him about rescinding the purchase of the ten shares of Credit Mobilier stock ? Has there anything been said to you of its being thrown up, or abandoned, or surrendered ? A. No, sir; not until recently.

Q. How recently ? A. Since this matter came up.

Q. Since this investigation commenced ? A. Yes, sir.

By Mr. Merrick: Q. Did you consider at the commencement of this investigation that you held these other dividends, which you say you did not pay to him, in his behalf ? Did you regard yourself as custodian of these dividends for him ? A. Yes, sir; he paid for his stock and is entitled to his dividends.

Q. Will the dividends come to him at any time on his demand ? A. Yes, sir, as soon as this suit is settled.

Q. You say that $329 was paid to him; how was it paid ? A. I presume by a check on the Sergeant-at-Arms. I find there are some checks filed without any letters or initials indicating who they were for.

Q. Have you had any correspondence since this dividend was paid, with him in regard to this matter ? A. I do not know what matter you refer to.

Q. If you had any correspondence between you I would like to see it. A. I have no copy of it.

Q. Have you the original ? A. No, sir. Mr. Garfield showed me a letter which he said he intended to inclose with some money sent me; I did not know who the money came from; he showed me a letter which he said he intended to have put in; I indorsed on the back of that letter my reply; I just turned over the letter and wrote what I wrote on the back of it, and let him have it.

Q. Your answer indorsed on the back of the letter was published in the newspapers ? A. Yes, sir; he published the letter, I believe.

Q. As published, did they correspond with your recollection of the papers as written ? A. Yes, sir; I wrote it off hastily: he came to my room and said he had been accused of all kinds of crimes and misdemeanors; I told him I had made no such statement as he represented; he wanted me to say in writing that I had not; I took his letter, which he said he intended to have inclosed with the money, and wrote on the back of it that I had made no such statement.

Q. The published correspondence in the morning papers of the next day is your recollection of what occurred ? A. It agrees with my recollection, except that he says he left a letter for me at the Arlington; I never received that letter; I only saw the letter on which I indorsed my answer.

Q. Did he inclose the money ? A. Some money came to me inclosed in an envelope which he said he had sent; I gave it back to him.

Q. How much money was in that envelope ? A. Four hundred dollars.

THE FAMOUS MEMORANDUM BOOK AND CHECK.

The following memorandum referred to by witness as a statement of his account with Mr. Garfield, was placed in evidence:

	J. A. G.	Dr.
1868.	To 10 shares stock Credit Mobilier of A.	$1,000 00
	Interest	47 00
June 19.	To cash	329 00
		$1,376 00

		Cr.
1868.	By dividend bonds, Union Pacific Railroad, $1,000, at 80 per cent. less 3 per cent	$776 00
June 17.	By dividend collected for your account	600 00
		$1,376 00

On January 29, 1873, Oakes Ames was further re-examined in regard to the checks upon the Sergeant-at-Arms of the House of Representatives with which he had paid the different members of Congress their dividends on Credit Mobilier stock (see pages 353, 4, 5, 6, 7, 8, and 9, *ibid.*)

Q. Here is another check upon the Sergeant-at-Arms of the same date, June 22, 1868: "Pay O. A. or bearer $329, and charge to my account. Oakes Ames." That seems to have been paid to somebody and taken up by the Sergeant-at-Arms. These initials are your own ? A. Yes, sir.

Q. Do you know who had the benefit of that check ? A. I cannot tell you.

Q. Do you think you received the money on it yourself ? A. I have no idea. I may have drawn the money and handed it to another person. It was paid on that transaction. It may have been paid to Mr. Garfield. There were several sums of that amount.

* * * * * * * * * * *

Q. Is there any other gentlemen here in Congress who received $329 dividend except those who have already been named by you ? A. I don't think of any other.

Q. In regard to Mr. Garfield, do you know whether you gave him a check or paid him the money ? A. I think I did not pay him the money. He got it from the Sergeant-at-Arms upon a check.

Q. You have testified to the check of $1,200, payable to S. C. or bearer ; also to one $329 to Mr. Allison ; also $329 to W. D. K.: the same amount to Mr. Wilson, and the same amount to John A. Logan, whose names appear here. These are all the names that appear on the books of the Sergeant-at-Arms of persons in Congress on that day. Are you satisfied that this check of $329, in which your own initials are written, was to pay some one a dividend on that stock ? A. Yes, sir. I don't know why I should draw a check for $329 except for that purpose.

* * * * * * * * * * *

Q. You think the check in which you wrote nothing to indicate the price must have been for Mr. Garfield ? A. Yes, sir ; that is my judgment.

* * * * * * * * * * *

Q. You say that Mr. Scofield, Mr. Dawes, Mr. Logan, and others with whom you made an adjustment, they having declined to take the shares of Credit Mobilier stock, did not receive these dividends? A. No, sir; they went out after the sixty per cent. dividend; they had no more to do with it, and they were not entitled to anything more.

Q. But Mr. Kelley, you suppose, was entitled to receive the dividends, and will receive them when you settle with him? A. Yes, sir; I expect to pay over to Mr. Kelley everything I have received on his stock.

Q. And in relation to Mr. Garfield? A. The same in relation to him, if it is not borrowed money. I consider that I sold him the stock and that he holds it.

* * * * * * * * * * *

Q. You understand that Mr. Kelley and Mr. Garfield have each been bettered $329 by their transactions? A. That is all there is of it.

GARFIELD'S TELLTALE FIGURES.

Q. How many of them have you had conversations with? A. I have had conversations with almost all of them.

Q. What the committee want to learn is, whether in conversations with any of these gentlemen they have stated or admitted the matter to be different from what they have testified to before the committee? A. I hardly know how to answer that question.

Q. Take any one that occurs to you; Mr. Merrick suggests Mr. Garfield. A. Mr. Garfield has been to see me about the matter, and we have talked it over. A part of the time he thinks it was a loan; sometimes he thinks he has repaid me; and then again he is in doubt about it.

Q. You may state whether, in conversation with you, Mr. Garfield claims, as he claimed before us, that the only transaction between you was borrowing $300? A. No, sir; he did not claim that with me.

Q. State how he does claim it with you; what was said; state all that occurred in conversation between you. A. I cannot remember half of it. I have had two or three interviews with Mr. Garfield. He wants to put it on the basis of a loan. He states that when he came back from Europe, being in want of funds, he called on me to loan him a sum of money. He thought he had repaid it. I do not know. I cannot remember.

Q. What did you say to him in reference to that state of the case? A. I stated to him that he never asked me to lend him any money; that I never knew he wanted to borrow any. I did not know he was short. I made a statement to him, showing the transaction, and what there was due on it, that, deducting the bond dividend and the cash dividend, there was $329 due him, for which I had given him a check; that he had never asked me to loan him any money, and I never loaned him any.

Q. After you had made that statement, what did he state in reply? A. He wanted to have it go as a loan.

Q. Did he claim that it was in fact a loan? A. No, sir; I do not think he did. No, he did not.

Q. Go on and state, then, what was said—all the discussion that took place. A. I cannot tell you all; we had three or four talks. I cannot remember all that was said.

Q. How long after that transaction did he go to Europe? A. I believe it was a year or two.

Q. Did you have any conversation in reference to the influence this transaction would have upon the election last fall? A. Yes; he said it would be very injurious to him.

Q. What else in reference to that? A. I am a very bad man to repeat conversation; I cannot remember.

Q. State all that you know in reference to it. A. I told him he knew very well that that was a dividend. I made out a statement, and showed it to him at the time. In one conversation he admitted it, and said, as near as I can remember, that there was $2,400 due him in stock and bonds. He made a little memorandum of $1,000 and $1,400, and, as I recollect, said there was $1,000 of Union Pacific Railroad stock, $1,000 of Credit Mobilier stock, and $400 of stock or bonds, I do not recollect what.

WHEN GARFIELD MADE THE FIGURES.

Q. When was that memorandum made? A. It was made in my room; I cannot remember the date. It was since this investigation commenced.

Q. Was it in that conversation that he referred to the influence this matter would have upon the election in his district? A. I do not recollect whether it was in that one or some other. I have had two or three conversations with him.

Q. Tell us, as nearly as you can, precisely the remarks he made in that connection. A. It was that it would injure his reputation; that it was a cruel thing. He felt very bad, was in great distress, and hardly knew what he did say.

Q. Did he make any request of you to make no statement in reference to it? A. I am not positive about that.

Q. What is your best recollection in reference to it? A. My impression is that he wanted to say as little about it as he could, and to get off as easily as he could. That was about the conversation I had with him, about the long and short of it.

Q. Have you the memorandum that Mr. Garfield made? A. I have the figures that he made.

Paper shown to the committee, containing figures as follows:

"$1,000
1,400
———
$2,400"

Q. You say these figures were made by Mr. Garfield? A. Yes, sir.

Q. What do these sums represent? How did he put them down? A. $1,000 Union Pacific Railroad stock, $1,000 Credit Mobilier stock, and $400 which he could not remember whether it was to be in cash, stock or bonds.

Q. Is that what he had received, or what he was entitled to? A. What he was entitled to.

Q. That was his idea of what was coming to him? A. Yes, sir.

Q. Was that about what he would have been entitled to? A. He would have been entitled to the $1,000 in stock, and he would have been entitled to more than that. The $400 I think he is in error about. I gave him $329; I do not know whether the $400 referred to that.

Q. Did he put this down as his recollection of the statement you made to him? A. I so understood it.

By Mr. Merrick:—Q. It was in this conversation that these figures were made—that he deprecated the effect of the matter upon his election? A. I do not know about his election; it was about his prospects, his reputation, &c.

Q. I understand that, in substance, he desired you to say as little as possible about it? A. Yes, sir; and that is my desire.

Q. Will you repeat just about what he did say? A. I cannot remember the conversation well enough to repeat it.

Q. You can repeat the substance of it? A. I have given you the substance of it.

AMES THOUGHT HE WOULD KEEP THE FIGURES.

Q. How did you happen to retain that little stray memorandum? A. I do not know. I found it on my table two or three days afterward. I did not pay any attention to it at the time, until I found there was to be a conflict of testimony, and I thought that might be something worth preserving.

Q. This conversation was in your room, and the figures made there? A. Yes, sir.

Q. Do I understand you that this loan which Mr. Garfield claims to have been made was in reference to a trip to Europe taken by him a year or two afterward? A. I do not know when he took his trip. I know he did not go during that session of Congress. This payment was made to him during that session of 1867–'68.

Q. Do you know whether he went during that recess following? A. I cannot say; I do not know.

Q. Do you not know that he did not go to Europe for nearly two years afterward? A. No, I do not. It is my impression it was two years afterward, but I cannot remember dates. People ask me about things that occurred a year ago, and I cannot tell whether it was ten years ago or one.

By the Chairman: Q. Did you understand in this conversation you had with General Garfield that you detailed to him the history of this matter as to how the statement you had let him have was made up; and did you understand him to concede your statement about it to be the truth? A. Well, I cannot say. He would not have been very apt to recollect the amount there was due to him if he had not acceded to my statement.

Q. From the whole conversation—from what he said and the figures that he made, did you understand him to concede the statement you had made to him as about the truth? A. Yes, I so understood him.

Q. That statement you made to him was in substance the statement you have made to us in reference to him? A. Yes, sir.

AMES EXHIBITED THE FAMOUS MEMORANDUM BOOK.

On February 11, 1873, Mr. Ames exhibited to the committee the entry in his memorandum book which showed his transactions with Gen. Garfield and other members. It will be observed in Gen. Garfield's defense of himself, furnished to the author of his biography, as given above, that he said:

> In the case of each of those who did purchase the stock there was produced as evidence of the sale either a certificate of stock, receipt of payment, a check drawn in the name of the payee, or entries in Mr. Ames' diary of a stock account, marked, adjusted and closed, but that no one of these evidences exists in reference to me.

Contrast with this statement the following from the testimony of Oakes Ames, page 459, Poland Report:

Q. Now turn to any entries you may have in reference to Mr. Garfield. A. Mr. Garfield's payments were just the same as Mr. Kelley's.

Q. I find Mr. Kelley's name on the list of June dividend payments for $329. That I understand you to be the amount of the June dividend after paying the balance due on his stock? A. Yes, sir; the general statement made up for Mr. Garfield is as follows:

GARFIELD.

10 shares Credit M.	1,000
7 mos. 10 days	43 36
	1,043 36
80 per ct. bd. div., at 97	776
	267 36
Int'st to June 20	3 61
	271 00

1,000 C. M.
1,000 U. P.

Q. You received $600 cash dividend on his ten shares? A. Yes, sir.

Q. And, as you say, paid him $329, as the balance of the dividend due him? A. I think I did.

Q. In this list of names for the June dividend Mr. Garfield's name is down for $329? A. That would be the balance due.

Q. The cross opposite his name indicates that the money was paid to him? A. Yes, sir.

Mr. Clark remarked that Mr. Ames was not certain whether this amount was paid Mr. Garfield by check or in currency.

The Witness: If I drew the check I may have paid him off in currency, as I find no check with initials corresponding to his.

Q. We find three checks for the amount of $329 each; one is in blank; there are no initials written in. There are, however, the same number of checks for that amount as are called for by the names on this list for that amount. A. I am not sure how I paid Mr. Garfield; I paid him in some form.

THE COMMITTEE CONDEMN GARFIELD.

The committee, in their report to the House of Representatives, which was unanimous, having been signed by every member of the committee, found in regard to Gen. Garfield as follows (see page 7 of report):

> MR. JAMES A. GARFIELD, OF OHIO.
>
> The facts in regard to Mr. Garfield, as found by the committee, are identical with the case of Mr. Kelley to the point of reception of the check for $329. He agreed with Mr. Ames to take ten shares of Credit Mobilier stock, but did not pay for the same. Mr. Ames received the 80 per cent. dividend in bonds, and sold them for 97 per cent., and also received the 60 per cent. cash dividend, which together paid the price of the stock and interest, and left a balance of $329. This sum was paid over to Mr. Garfield by a check on the Sergeant-at-Arms, and Mr. Garfield then understood this sum was the balance of dividends after paying for the stock. Mr. Ames received all the subsequent dividends, and the committee do not find that, since the payment of the $329, there has been any communication between Mr. Ames and Mr. Garfield on the subject until this investigation began. Some correspondence between Mr. Garfield and Mr. Ames, and some conversations between them during this investigation, will be found in the reported testimony.

THE HISTORY OF THE CREDIT MOBILIER OF AMERICA.

The Credit Mobilier of America was originally the Pennsylvania Fiscal Agency. It was incorporated by the legislature of that State November 1st, 1859. The powers conferred upon this corporation was something wonderful. It was empowered to carry on every sort of financial business except banking, without individual liability on the part of these stockholders. The company had been organized before the war of the rebellion, a part of its stock subscribed and an installment thereon paid in. Among the incorporators were Duff Green, David R. Porter, formerly governor of the State of Pennsylvania, and a number of other capitalists of that state. The promoter of this enterprise was Duff Green, and his intention was to use it in building a Southern Pacific Railroad along the line since adopted by the Texas Pacific Railroad Company. While Durant, Ames, McComb, Bushnell and the other directors of the Union Pacific Railroad were endeavoring to evolve from their heads a plan whereby they might execute the Hoxie contract without incurring individual liability, Geo. Francis Train, who knew of Green's corporation, suggested to Durant the idea of purchasing it. There was one difficulty, however, in the way. None of the officers of the company were to be found except the secretary, a man by the name of Barnes. Duff Green, the president and the owner of a majority of the stock, was in the service of the Confederacy, but Barnes got together a few of the stockholders, organized anew the concern and sold it to Durant through Geo. Francis Train. At the suggestion of Train the name of the corporation was changed to the Credit Mobilier of America.

THE HISTORY OF THE UNION PACIFIC RAILROAD.

The germ of the Pacific Railroad legislation was the charter granted by the pro-slavery legislature of the Territory of Kansas in 1855 for the Leavenworth, Pawnee and Western Railroad Company, which afterwards became the Union Pacific, eastern division, sometimes called the Denver Pacific. It is a notorious fact that this company furnished the funds used in Congress in 1862 to promote the Pacific Railroad bill, under which all Pacific railroads obtained their subsidies from the Government of the United States. The Act of 1862 contemplated an organization composed of men from all quarters of the country, so that the stock might be distributed in an equitable manner to the different sections. There were one hundred and fifty-eight corporators named in the bill. The main features of this act were first to incorporate the persons named with five commissioners designated by the Secretary of the Interior under the name and style of the Union Pacific Railroad Company, who were authorized to build and maintain a railroad from the 100th meridian to the western boundary of Nevada Territory. The capital stock was a hundred millions of dollars, divided into shares of $1.000 each; not more than 200 shares to be held by any one person. As soon as 2,000 shares or two per cent. of the stock was taken, and $10 a share, or one per cent. paid, the President and the Secretary of the Board of Commissioners were to designate the time at which the subscribers to the stock should meet and elect officers. The right of way was granted through all the public domain, with all necessary grants for stations, buildings, workshops, side tracks, etc., and alternate sections of land for ten miles on each side of the road. In addition there was granted United States bonds at the rate of $16,000 per mile for about 150 miles, $48,000 per mile for 300 miles, to include the section crossing the Rocky Mountains and the Sierra Nevada, and $32,000 per mile for about 850 miles included between the two ranges named. These bonds were declared to be a first mortgage upon the road, and the grant was made upon the express condition that they should be paid at maturity, and all compensation for services rendered to the Government was to be applied to pay the interest on said bonds and five per cent. of the yearly earnings of the road was to be reserved and applied to the payment of the principal of said bonds.

THE LEGISLATION OF 1864.

The legislation of 1864 was mainly the means by which fifty millions of dollars were stolen from the people of the United States in the construction of the Union Pacific Railroad. Gen. Garfield was then a member of Congress. He voted for the Act of 1864 and against an amendment offered by Mr. Washburne of Illinois, which prevented the subordinating of the security of the United States to that of the railroad companies (see *Congressional Globe,* vol. 53, p. 3267).

The Act of 1864 doubled the land grants, abandoned the government security by making its bonds a second mortgage upon the property of the road, and provided that only one-half of the earnings from government freights should be applied to pay the interest upon the government bonds. By this act the railroad company was authorized to issue first mortgage bonds equal to the amount granted by the government, which became a prior lien on the road. Up to this time no work, save on the eastern division, had been done towards the completion of the road. In all there was less than 20 miles built and in running order. The Union Pacific Railroad Company, however, claimed that they had $2,000,000 of stock subscribed, $200,000 paid in, and to have expended $800,000. During the debate in the House of Representatives on this bill in 1864, Mr. Elihu B. Washburne said (see vol. 53, p. 351, *Congressional Globe*):

E. B. WASHBURNE DENOUNCED THE ACT OF 1864.

Mr. Washburne, of Illinois. Who are the men who are here to lobby this bill through? Have the men of high character and of national reputation whose names were at an earlier period connected with this enterprise been here, animated by a commendable public spirit, by motives of patriotism, to ask us to pass this bill? I have not heard of such men being here for that purpose, but on the other hand, the work of "putting the bill through" has gone into the hands of such men as Samuel Hallett and George Francis Train, *par nobile fratrum.*

Mr. Washburne, of Illinois, in opposing the provisions of this act of 1864, which gave the company the right to issue first mortgage bonds and make the government lien on the road secondary to the mortgage which secured the bonds issued by the company (*Globe*, volume 53, page 3152), said:

"I come now to the tenth section of the bill, and I confess to a sort of admiration of the sublime audacity which parties must have to come here and ask Congress to enact such a provision into a law.

"I have called attention to other provisions of an extraordinary nature, but this proposed enactment throws all others far into the shade, and stands out in bold relief as an indication of the 'base uses' that this company have conceived that Congress may be put to in their behalf. I carefully read the section, that every gentleman may know its exact meaning and purport:

"SEC. 10. *And be it further enacted*, That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may issue their first mortgage bonds on their respective railroads and telegraph lines to an amount not exceeding the amount of the bonds of the United States authorized to be issued to said railroad companies respectively. And the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property and equipments. And said section is further amended by striking out the word 'forty' and inserting in lieu thereof the words 'on each and every section of not less than twenty.'

SURRENDERING EVERYTHING TO THE CORPORATION.

"Now, it will be recollected that the fifth section of the existing law provides for the repayment of the bonds issued to the company, and declares that the issue and delivery of them to the company shall *ipso facto* constitute a first mortgage on the whole line of road and telegraph, together with the rolling stock. This was the security which Congress had a right to demand of any company that should be organized. It was its duty to require it unless it was intended to surrender up everything and place the most gigantic interests at the feet of the company, without control and without challenge. We donated, as I have before stated, millions upon millions of acres of the public lands to the company for this purpose, then we agreed to give our bonds for the amount, with the interest thereon, of $96,000,000, and if Congress had required less than a first mortgage as its security it would, in my judgment, have been derelict in its duty to the country, whose interests in this regard it can alone protect.

"What is now proposed by this amendment? I demand that gentlemen shall look at it; let the mirror be held up to nature. Nothing less than that the government, with its liability of a hundred millons, shall relinquish its first mortgage and subordinate its lien to the liens of all the companies created for building the road. The bonds of the United States are to be issued to the company, and the government is to have no prior lien for its security; but by this provision the company, representing as it may but one per cent. or a little over of the amount that the government is liable for, is to subordinate that government to its own interests, raise money on the means that the government has furnished, give a first mortgage for the security of that money, and leave the United States as a second mortgagee, obliged to pay off the first mortgage before it can be in a position to take advantage of any security there might by possibility be as a second mortgagee. But who is wild enough to believe that should the provisions of this section become a law the remaining security of the government will be worth a straw?

"It is worse than idle to contend that we shall have any security left for all our liability if this bill shall pass. And further, by the fifth section of the law, bonds cannot be issued till forty consecutive miles of the road are fully completed and equipped. It is now proposed by this tenth section to strike out forty and make it twenty. This company, not content with snatching from the government the security it now holds for the bonds it issues, cannot even wait to finish the forty miles of road at present required before grabbing what is proposed to put into their hands, but they must cut it down so they can go in on twenty miles. Sir, on my responsibility as a representative I pronounce this as the most monstrous and flagrant attempt to overreach the government and the people that can be found in all the legislative annals of the country. When we look at the original law with all its liberal and just provisions, when we look at the company organized under it and see how far it has failed to meet its proper obligations, and consider the extraordinary amendments here proposed, are we not filled with astonishment at what is demanded of us as the guardians of the people's rights? Indeed, may we now exclaim:

" 'Can such things be,
And overcome us like a summer's cloud,
Without our special wonder?'

WARNINGS WHICH WERE NOT HEEDED.

"I warn the true friends of the road, I warn Congress and the people what will be the result. The present directors of the company hold for three years, and the whole business of the directors is done by an executive committee of the board, who hold for the same time. The real state of the case seems to be that the executive committee is the board of directors, and one man is the executive committee."

The vote on the motion of Mr. E. B. Washburne, to strike out this tenth section subordinating the Government lien, was taken June 24, 1864 (*Globe*, vol. 52, p. 3244).

The yeas were 38, nays 81, not voting, 63. Among the yeas were Messrs. Boutwell, Farnsworth, Holman, Orth, Scofield, Spalding and E. B. Washburne.

Among the nays, Messrs. Allison, Ames, Blaine. Brooks, Dawes, Elliott, Kelley and Wilson.

Among those not voting, Messrs. Alley, GARFIELD and Hooper.

The final vote on the passage of the bill was taken June 25, 1864 (see *Globe*, vol. 53, p. 3267), and resulted, yeas 70, nays 38, not voting 74.

Among the yeas were Messrs. Allison, Ames, Blaine, Brooks, Dawes, Elliot, Garfield, Hooper and Wilson.

Among the nays, Messrs. Boutwell, Holman, Orth, Scofield and E. B. Washburne.

The bill returned to the Senate, and finally passed on a conference report, which was not printed, the call of E. B. Washburne for the yeas and nays being refused (see *Globe*, vol. 53, p. 3481).

Under the provisions of the Act of 1862 and the amendments of 1864, the Union Pacific Railroad obtained about twelve millions of acres of land and bonds guaranteed by the government to the amount of $27,236,512, and was authorized to issue first mortgage bonds to a like amount. The first section of the act of 1862 required a subscription of $2,000,000 to be made, and ten per cent. thereon to be paid before organization. The sum of $2,180,000 was subscribed, and ten per cent., $218,000, paid in, and in October, 1863, the company was organized and the Board of Directors was elected.

In addition to the first mortgage bonds of the company, and the government bonds of $54,473,024, the company also issued land-grant bonds, and income bonds, and stock, amounting in all to about $50,000,000, so that there were assets, independent of the 12,000,000 acres of public lands, about $111,000,000.

OVER A MILLION THE FIRST HAUL.

The first contract for the construction of the road was made with one H. M. Hoxie, who seemed to have been a person of little pecuniary responsibility. His proposal to build and equip one hundred miles of the railroad and telegraph is dated New York, August 8, 1864, signed H. M. Hoxie, by H. C. Crane, attorney. It was accepted by the company September 23, 1864. On the 30th September, 1864, Hoxie agreed to assign this contract to Thomas C. Durant, who was then Vice-President and Director of the Union Pacific railroad, or such parties as he might designate. On the 4th of October, 1864, this contract was extended to the one hundredth meridian, an additional one hundred and forty-six and forty-five hundreth miles, the agreement for extension being signed by Crane as attorney of Hoxie. Hoxie was an employee of the company at the time, and Mr. Crane, who signed as Hoxie's attorney, was Durant's "confidential man," as Durant himself expresses it.

By this contract and its extension Hoxie agreed to build two hundred and forty-six and forty-five hundreths miles of road, to furnish money on the securities of the company, to subscribe one million dollars to the capital stock, and he was to receive fifty thousand dollars per mile for the work.

On the eleventh day of October, 1864, an agreement was entered into by Durant, Bushnell, Lambard, McComb, all directors of the Union Pacific Railroad Company, and Gray, a stockholder, to take from Hoxie the assignment of his contract (which assignment he had previously bound himself to make to such persons as Durant should designate), and to contribute $1,600,000 for the purpose of carrying the contract out.

THE EFFECT OF THE LEGISLATION OF 1867,

The resolution as amended by the Senate was passed and became the law. This law changed the time and place of holding the meeting of stockholders of the Union Pacific Railroad Campany from New York, where they had been enjoined by the Courts, to Boston, Mass. While the resolution above referred to was pending in Congress, Durant, in order to compel his opponents to compromise with him, announced his determination to make a complete exposure of all the rascality connected with the building of the Union Pacific Railroad. Accordingly he wrote a letter, in which he set out all the facts, and actually mailed it to Mr. Washburne. When his opponents learned of this, they agreed to his compromise, and then went to the post office and got Durant's letter out and destroyed it (see Credit Mobilier Investigation, Poland Committee, Third Session, Forty-second Congress, p. 175). Then Mr. J. M. F. Williams, of Boston, was given the contract to build and equip two hundred and sixty-seven and fifty-two one hundredth miles west from the one hundredth meridian, at fifty thousand dollars per mile. This contract he proposed to assign to the Credit Mobilier, of America, in order to enable it, or the managing directors of the Union Pacific

Railroad through it, to make a profit of about 22,500 dollars per mile on ninety-eight and one quarter miles of road, which had by this time been completed under the Boomer contract. With reference to this, Mr. Williams was asked:

> Q. Then what purpose had you to propose to build a road that had already been built by the company at a cost to them of less than the amount mentioned in your proposition? A. We were identical in interest. The Credit Mobilier and the Union Pacific Railroad Company were the same identical parties. We were building it for ourselves, by ourselves, and among ourselves. There was not twenty thousand dollars interest in it.
>
> Q. Was this understood at the time? A. Yes, sir; it was understood that we were dealing with ourselves to get the control in the right hands.

Durant again interfered and defeated this project by legal proceedings. Then a new device was resorted to on the sixteenth of August, 1867.

The Poland report says: "The Oakes Ames Contract" was entered into. At this time, one hundred and thirty-eight miles of road had been completed and accepted west of the one hundredth meridian, at a cost of one hundred and twenty-seven thousand dollars per mile. A portion of the road embraced in the Ames contract began at the one hundredth meridian and extended westward six hundred and sixty-seven miles, and by the terms of the contract the railroad company was to pay as follows:

For the first one hundred miles $42,000 per mile	$4,200,000
" next 167 miles, $45,000 per mile	7,515,000
" " 100 " 96,000 "	9,600,000
" " 100 " 80,000 "	8,000,000
" " 100 " 90,000 "	9,000,000
" " 100 " 96,000 "	9,600,000
667	$47,925,000

At the time this contract was made there was an understanding that it was for the benefit of the shareholders of the Credit Mobilier. Ames was the only medium through whom these shareholders should receive the benefits accruing from it.

This contract was signed on behalf of the railroad company by Oliver Ames, as President *pro tempore*, who was brother and business partner of Oakes Ames. It was approved by Oliver Ames, C. S. Bushnell, Springer Harbaugh, and Thomas C. Durant, as Executive Committee of the Railroad Company, all of whom, excepting Harbaugh, were interested in the Credit Mobilier.

Pursuant to the previous understanding that this contract was to be for the benefit of the shareholders of the Credit Mobilier, on the 15th day of October, 1867, it was signed by a tripartite agreement to seven trustees, namely, Thomas C. Durant. Oliver Ames, John B. Alley, Sydney Dillon, Cornelius S. Bushnell, Henry S. McComb, and Benj. E. Bates, all stockholders in the Union Pacific Railroad Company and in the Credit Mobilier, Oliver Ames occupying the anomolous position of president of the railroad company making the contract, and one of the parties to whom it was assigned—all of them were directors of the railroad company.

It will be seen by this that in order to procure any of the proceeds of this contract, stockholders of the Credit Mobilier who owned stock in the Union Pacific Railroad Company, were compelled to give an irrevocable proxy to these seven trustees to vote in all cases six-tenths of their railroad stock.

The stockholders in the two corporations were substantially identical. These proxies were executed and delivered to these trustees; they represented a majority of the stock, and by this means the entire control of the railroad company passed out of the hands of the stockholders of the latter company, and was reposed in the seven trustees, and for two years they exercised the power thus acquired.

The management of the affairs of the railroad company during the execution of the work under this contract, was under the control of the beneficiaries thereof, and of course the trustees who acquired this power by means of the proxies above mentioned, were not very anxious to protect the interest of the Union Pacific Railroad Company.

This Oakes Ames contract extended over 138 miles of road completed and accepted. That portion already completed had cost not to exceed $27,500 per mile, and by embracing these one hundred and thirty-eight miles in the contract, the persons interested derived a profit which enabled them to make a dividend among themselves in less than sixty days after the assignment, as follows:

Sixty per cent. in first mortgage bonds of the Union Pacific Railroad Company	$2,244,000
Sixty per cent. in stock of the Union Pacific Railroad Company	2,244,000

This was mainly, if not entirely derived from the owners of the contract over what the one hundred and thirty-eight miles had cost. The trustees proceeded to construct the road under this contract, and from a balance sheet taken from the books of the company, it appears—

That the cost to the railroad company, was	$57,140,102 74
The cost to the contractors, was	27,285,141 99
Profits	$29,854,141 99

The Oakes Ames contract was entered into August 16, 1867, and on December 9, 1867, Mr. Washburne, of Illinois, introduced House resolution No. 252, to create a Government Commission, with power to regulate freight and passenger rates on the Pacific Railroads, which was referred to the Committee on Pacific Railroads. This resolution provided that the Secretary of War, the Secretary of the Interior, and Attorney-General of the United States, should appoint a Board of Commissioners, whose duty it should be on the first day of July in each year to establish a tariff for freight and passengers over the Union Pacific and Central Pacific Railroads, and their branches, which tariff was to be equitable and just, and not exceeding double the average rates charged on the different lines of railroad between the Mississippi River and the Atlantic Ocean, and in latitude north of St. Louis, Mo., and it should not be lawful for said company to charge any sum in excess of the rates so fixed and established. The Committee on Pacific Railroads not reporting on this resolution, it was reintroduced in the morning hour, Monday, January 20, 1868, by Mr. Windom, of Minnesota, and read the first and second time, but the previous question not being seconded, Mr. Higby arose and debated the resolution. It went over under the rules, but came up again March 12, 1868, and debated. Between the reintroduction of this Washburne resolution, on January 20 and March 12, when the debate, which will be quoted hereafter, occurred, the following correspondence between Oakes Ames and H. S. McComb ensued :

OAKES AMES' LETTERS, WITH LIST OF ASSIGNMENTS AS GIVEN TO MCCOMB.

WASHINGTON, January 25, 1868.

Dear Sir: Yours of the 23d is at hand, in which you say Senators Bavard and Fowler have writen you in relation to their stock. I have spoken to Fowler but not to Bayard. I have never been introduced to Bayard, but will see him soon. You say I must not put too much in one locality. *I have assigned*, as far as I have gone to, *four from Massachusetts*, one from New Hampshire, one Delaware, one Tennessee, one Ohio, two Pennsylvania, one Indiana, *one Maine*, and I have three to place, which I shall put where they will do most good to us. I am here on the spot, and can better judge where they should go. I think after this dividend is paid we should make our capital to four millions, and distribute the new stock where it will protect us, let them have the stock at par, and profits made in the future; the fifty per cent. increase on the old stock I want for distribution here, and soon. Alley is opposed to the division of the bonds; says we will need them, etc. I should think that we ought to be able to spare them, with Alley and Cisco on the Finance Committee—we used to be able to borrow when we had no credit and debts pressing. We are now out of debt and in good credit—what say you about the bond dividend—a part of the purchasers here are poor, and want their bonds to sell to enable them to meet their payment on the stock in the C. M. I have told them what they would get as dividend, and they expect, I think, when the bonds the parties receive as the eighty per cent. dividend, we better give them the bonds—it will not amount to anything with us. Some of the large holders will not care whether they have the bonds or certificates, or they will lend their bonds to the company, as they have done before, or lend them money. Quigley has been here, and we have got that one-tenth that was Underwood's. I have taken half, Quigley one-quarter, and you one-quarter. J. Carter wants a part of it; at some future day we are to surrender a part to him.

Yours truly,

H. S. McCOMB, Esq.

OAKES AMES.

WHERE IT WILL DO MOST GOOD.

WASHINGTON, January 30, 1868.

Dear Sir: Yours of the 28th is at hand, inclosing copy of letter from, or rather to, Mr. King. *I don't fear any investigation here. What some of Durant's friends may do in New York courts can't be counted upon with any certainty. You do not understand by your letter, what I have done, and am to do with my sales of stock. You say none to New York.* I HAVE PLACED *some with New York, or have agreed to. You must remember it was nearly all placed as you saw it on the list in New York, and there was but six or eight m. for me to place.* I could not give all the world all they might want out of that. You would not want me to offer less than one thousand m. to any one. We allow Durand to place some fifty-eight thousand to some three or four of his friends, or keep it himself.

I HAVE USED THIS WHERE IT WILL PRODUCE MOST GOOD TO US, I THINK. *In view of King's letter and Washburne's move here, I go in for making our bond dividend in full. We can do it with perfect safety.* I understand the opposition to it comes from Alley; he is on the Finance Committee, and can raise money easy if we come short, which I don't believe we shall, and if we do we can loan our bonds to the company, or loan them the money we get from the bonds. The contract calls for a division, and I say have it. When shall I see you in Washington ?

Yours truly,

H. S. McCOMB.

OAKES AMES.

We stand about like this :

Bonds, first mortgage, received on 525 miles, at 16 m	$8,400,000
Bonds, first mortgage, received on 15 miles, at 48 m	720.000
Bonds, first mortgage, received on 100 miles, at 48 m	4,800,000
	$13,920,000
Ten millions sold and to sell to pay our debts	10,000.000
	$3,920,000
Eighty per cent. dividend on $3,700,000 C. M. of A.	3,000,000
	$920,000
Government bonds received this day	960.000
Due for transportation four hundred M., one half cash	200.000
	$2,080.000

In addition to this we can draw government bonds for two-thirds of the work done in advance of track, if we desire it.

Indorsed on letter as sworn by McComb.

"Oakes Ames' list of names as showed to me to-day for Credit Mobilier: Blaine, of Maine, 3,000; Patterson, New Hampshire, 3,000; Wilson, Massachusetts, 2; Painter, reporter for Inquirer, 3; S. Colfax, Speaker, 2; Elliott, Massachusetts, 3; Dawes, Massachusetts, 2; Boutwell, Massachusetts, 2; Bingham and GARFIELD, Ohio; Scofield and Kelley, Pennsylvania; Fowler, Tennessee. February, 1 1868."

WE WANT MORE FRIENDS IN CONGRESS.

WASHINGTON, February 22, 1878.

Dear Sir: Yours of the 21st is at hand; am glad to hear that you are getting along so well with Mr. West; hope you will bring it out all satisfactory, so that it will be so rich that we cannot help going into it. I return you the paper by mail that you ask for. You ask me if I will sell some of my Union Pacific Railroad stock. I will sell some of it at par Credit Mobilier of America. I don't care to sell. *I hear that Mr. Bates offered his at* $300, *but I don't want Bates to sell out. I think Grimes may sell a part of his at* $350. *I want that* $14,000 *increase of the Credit Mobilier to sell here. We want more friends in this Congress, and if a man will look into the law* (*and it is difficult to get them to do it unless they have an interest to do so*), *he cannot help being convinced that we should not be interfered with. Hope to see you here or at New York the* 11*th.*

Yours truly,

OAKES AMES.

H. S. MCCOMB, Esq.

(*See Report Poland Com., pp.* 4, 5, 6, 7.)

THE RELATIONS OF THE CREDIT MOBILIER TO THE UNION PACIFIC EXPOSED IN MARCH, 1868.

It is important to observe that Henry S. McComb swears that on February 1st, 1868, Oakes Ames showed him a list of names of members of Congress to whom he had assigned Credit Mobilier stock. This proves that prior to that date, Ames had sold to Gen. Garfield ten shares of the stock of the Credit Mobilier. Immediately thereafter the true character of the Union Pacific Railroad enterprise; the existence of the Credit Mobilier; its connection with the Union Pacific Railroad; the enormous profits its stockholders were realizing from the construction of the railroad, and the suit of McComb against Oakes Ames and others, for a part of these profits, were made known in the House and in the Senate.

On March 12, 1868, the following debate occurred in the House of Representatives, on the Washburne resolution, which Ames, in his letter to McComb of January 30, 1868, refers to as Washburne's move. This was a joint resolution to regulate the tariff for freight and passengers on the Pacific Railroads (*see Congresssional Globe, vol.* 66, *page* 1861).

The next business lying over under the rules was House joint resolution No. 168, to regulate the tariff for freight and psssengers on the Union and Central Pacific Railroads and their branches, introduced by Mr. Windom, January 20, 1868.

Mr. Garfield: I move to refer it to the Committee on the Post Office and Post Roads, and call the previous question.

Mr. Washburne, of Illinois: I hope the House will not second the previous question. Let us have a square vote and see who is in favor of this resolution.

Mr. Dawes: We had a square vote the other day.

Mr. Washburne, of Illinois: And the gentleman was with the monopolists. [Laughter.] (See vote on Dawes' resolution, page 21.)

On seconding the previous question there were—ayes 52, nays 51.

Mr. Washburne, of Illinois: I demand tellers.

Tellers were ordered; and the Chair appointed Messrs. Garfield and Woodward.

Mr. Allison: Let the joint resolution be reported in full.

The Speaker: The clerk not expecting this business to be reached to-day, the joint resolution is not here; it is on the files at the clerk's office.

Mr. Garfield: I think it is very proper, therefore, to have it referred.

Mr. Washburne, of Illinois: It is a resolution that ought to be passed.

The House divided; and the tellers reported—ayes 42, nays 54.

So the previous question was not seconded.

The Speaker: The clerk will now report the joint resolution.

It was read.

Mr. Washburne, of Illinois, demanded the previous question.

Mr. Van Horn moved to lay the resolution on the table.

Mr. Hooper, of Massachusetts, called the yeas and nays; and they were ordered.

The vote on laying on the table stood—yeas 53, nays 70, not voting 66.

So the House refused to lay the bill on the table.

The Speaker: The morning hour has expired, and the bill goes to the Speaker's table.

March 20, 1868 (see *Globe*, vol. 66, p. 2029)—The resolution was again in order, and Mr. C. C. Washburn, of Wisconsin, addressed the House. The following are extracts from his remarks, as printed in *Globe*, vol. 67, pp. 269-98, Appendix:

GREAT EXAGGERATION ABOUT COST OF PACIFIC RAILROADS.

Mr. Washburn, of Wisconsin: There is great exaggeration about the difficulties attending the building of these Pacific railroads. If gentlemen want information I will give it to them. I will give the gentleman from Iowa (Mr. Dodge), the very able and distinguished engineer of the road, some of his own figures. I will refer to his report of 1868.

It was asserted in Congress in 1864 that there were miles of this road that would cost $500,000 per mile to build. Here is my friend's own report made in 1868. The table of grades shows upon the line from Omaha to the eastern line of California, a distance of one thousand six hundred and twenty-two and a half miles: of dead level ground, two hundred and seventy-two miles; from level to twenty feet per mile, six hundred and sixty-five miles: ranging from twenty feet to forty feet, three hundred and forty-three miles; from forty to sixty feet per mile, ninety-six miles; from sixty to eighty feet per mile, eighty-one miles; from eighty to one hundred feet per mile, forty-five miles; from one hundred to one hundred and sixteen feet per mile, thirty-seven miles.

Such are the grades of this Pacific road as determined by their own engineers. The almost impassable mountains of which "Pathfinders" and others give such marvellous accounts, when brought to the unerring test of the engineer's level, dwindle into insignificance. And I think I can safely assert here that there is no sixteen hundred miles of road running in any given direction in the United States that show such easy grades as from Omaha to the line of California. There was much difficulty in determining where the base of the Rocky Mountains was, but it was finally determined in the level valley of the Platte river at Crow Creek crossing, and from that point to the summit of the mountains the distance is only between thirty-one and thirty-two miles, although we give them a subsidy of $48,000 per mile for one hundred and fifty miles at this point of the road.

IT COULD BE BUILT FOR THE GOVERNMENT SUBSIDY.

Now, sir, I have asserted that this road can nearly or quite be built with the government subsidy. The first five hundred miles are nearly a dead level. I am assured by gentlemen who have traveled over the route that up to the base of the Rocky Mountains it is a dead level, so that the sleepers are laid down for miles and miles on the naked soil without any grading, only a ditch on each side.

There cannot be a shadow of doubt that your subsidy in bonds will nearly or quite build and equip the road, for this part of the line at least, with the vast grant of lands thrown in.

I have always said that this road could be built for the government subsidies, and I reiterate that, provided it is built as other roads are built, by contracting with the lowest bidder. To make the road cost the stockholders no more than absolutely necessary, and at the same time to make it represent a nominal cost that would relieve the stockholders from the appearance of not putting in money of their own, and also to relieve them from the ten per cent. dividend proposition, they resort to a device unheard of before in this country.

WASHBURNE TELLS OF THE CREDIT MOBILIER.

The stockholders in the Pacific road are few in number. They could easily have made a contract with themselves for the building of the road, without bids or advertisements of any kind. They could have agreed to have paid themselves one or two hundred thousand dollars per mile. and swelled the nominal cost to such a figure as to neutralize the ten per cent. proviso in regard to earnings. But would such a transaction have been regarded as an honest or legitimate and straightforward one, and binding on the government? Clearly not. Would a transaction which amounts to precisely the same thing, arrived at an indirect manner, be any more honorable and straightforward or binding on the government? Instead of contracting for the construction of the road as all other roads have been built, what do they do? A, B, C, and D are the stockholders of the company. A, B, C, and D, under a charter from the State of Pennsylvania, organize themselves into a company called the *Credit Mobilier* of America. A, B, C, and D, stockholders, enter into a contract with the *Credit Mobilier* to build this road at fabulous prices, and the *Credit Mobilier* let out the contract at the lowest figure at which the road can be built, making a clear profit of the difference between the price at which the contract is taken and the price actually paid to those who do the work, a sum I am assured that will not fall short of many, many million dollars. It will readily be seen from this that the company practically contracts with itself to build the road, and that the enormous figures they exhibit as representing the cost of the road are absolutely fictitious."

March 25, 1868 (see Globe, volume sixty-seven, pp. 2109, 2113), the resolution was again in order and was debated at length. Mr. Price answering Mr. Washburne, and Messrs. Garfield, Scofield, and Dawes took part in the proceedings. Mr. Price moved to refer the resolution to the Pacific Railroad Committee, and demanded the previous question. Pending the previous question the House adjourned.

March 26, 1868 (see Globe, volume sixty-seven, p. 2129), the subject was resumed. Mr. Washburne, of Illinois, asked further time for debate, as there was no quorum. This was resisted, and Mr. Washburne moved a call of the House; and upon division there were—ayes 33, noes 55; no quorum voting. Tellers were ordered, and announced—ayes 40, noes 61. Mr. Washburne demanded the yeas and nays, and they were ordered; and on a motion for a call of the House there were—yeas 45, nays 86, not voting 58.

Among the yeas were Messrs. C. C. Washburn and E. B. Washburne.

Among the nays, Messrs. Atlison, Ames, Bingham, Boutwell, Dawes. Dodge, Eliot, Hooper, Kelly, Scofield, Twichell and James F. Wilson.

Among those not voting, Messrs. Blaine, Brooks, and Garfield.

The previous question was seconded, and on ordering the main question on referring the resolution, the yeas were 73, the nays 54, not voting 62.

Among the yeas were Messrs. Allison, Ames, Bingham, Boutwell, Dawes, Dodge, Eliot, Hooper, Kelley, Twichell, and James F. Wilson.

Among the nays, Mr. E. B. Washburne.

Among those not voting, Messrs. Blaine, Brooks, Garfield, and Scofield.

So the main question was ordered.

And thereupon the following proceedings occurred:

Mr. Holman: I rise to a privileged question. I make the request that under the twenty-ninth rule of the House the gentlemen who are interested in the result of this question may be permitted to withdraw their votes. If it be proper I make that point now.

The Speaker :

THAT POINT CANNOT BE MADE

during a roll-call, as the gentleman from Indiana is aware.

Mr. Holman: Must it be made before the roll-call?

The Speaker: It must; it cannot be made while the roll-call continues, and the roll-call continues until the Chair announces the result. Otherwise there might be roll-calls within roll-calls, the yeas and nays being ordered on the questions arising under the point of order.

The vote was then announced as above recorded.

The question recurred on the motion to refer to the Committee on the Pacific Railroad.

Mr. Washburne, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. Washburne, of Illinois: I ask that this vote shall be considered as a test vote on this question. Those in favor of the resolution will vote—

Mr. Price: I call the gentleman to order.

The Speaker: Debate is not in order.

Mr. Holman: I now rise for the purpose of asking the clerk to read the twenty-ninth rule of the House.

The clerk read as follows:

No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put.

The question was taken; and it was decided in the affirmative—yeas 83, nays 49, not voting 57.

Among the yeas, Messrs. Ames, Bingham, Boutwell, Dawes, Dodge, Eliot, Hooper, Twichell, and James F. Wilson.

Among the nays, Messrs. Holman, and C. C. Washburn and E. B. Washburne.

Not voting, Messrs. Blaine, Brooks, Garfield, and Scofield.

So the resolution was referred to the Committee on the Pacific Railroad, and Mr. Wilson, of Iowa, moved to reconsider and lay on the table; which was done.

WASHBURNE STILL MORE FULLY EXPOSES THE GREAT FRAUD.

The resolution to regulate freight and passenger tariff on the Pacific railroads having been referred, as above stated, to the Committee on the Pacific Railroads, which was constituted entirely in the interest of these corporations, Mr. E. B. Washburne, in order to have an opportunity to more fully expose the character of the corporations and individuals which were being enriched out of the government subsidies, called up a motion, submitted on the 26th of February by Mr. Washburne, of Wisconsin, to reconsider the vote by which the letter of the Secretary of the Treasury relative to the Union Pacific Railroad was ordered to be printed. This gave Mr. E. B. Washburne and Mr. C. C. Washburne an opportunity to speak. Mr. Washburne, of Illinois, reviewed at length the resolution of 1864, quoting liberally from a speech made by him at the time that bill was pending, and showing under what circumstances it passed the House.

He said :

No gentleman who was here at that time will ever forget the extraordinary scene which was presented. The lobby mustered in its full force. I saw nothing here of the shameful means which it is alleged were used in a confidential way to carry through this bill ; but I do say that the scene was one of the most exciting and animated that I have ever witnessed, in a service of nearly 16 years. The galleries were packed with people interested in the measure ; by lobbyists, male and female ; by shysters and and adventurers, hoping for something to turn up.

Your gilded corridors were filled with lobbyists who broke through the rules and made their way upon the floor and into the seats of members. I undertook to show by the Senate document, which I held in my hand, the amount of the liability for bonds issued and interest thereon, after the law for the purpose of building the Pacific Railroad, would be $95,088,000, but which document I am advised somewhat overstates the amount as the estimate was made upon a greater number of miles than the real length of the road. In my speech on that occasion I compared the different sections of the original law of 1862 with the modification proposed by the Act of 1864, which we were then considering.

Mr. Washburne then proceeds in his speech to quote what he stated in 1864; how he moved to strike out all of the bill of 1864, that part which subordinated government liens, and made its bond a second mortgage in the property of the railroad. He quoted the yeas and nays by which his proposition was rejected. They were as follows :

Yeas—Messrs. Ancona, Arnold, Bailey, John D. Baldwin, Boutwell, Cobb, Creswell, Dawson Denison, Eden, Edgerton, Farnsworth, Hale, Harding, Harrington, Herrick, Holman, William Johnson, Orlando Kellogg, Kernan, Law, Marcy, McDowell, Morrison, Nelson, John O'Neil, Orth, Rogers, Edward , Scofield, Sloan, Spalding, Stiles, Thayer, Tracy, Opson, Elihu B. Washburne, and Joseph W. White—38.

> Nays—Messrs. Allison, Ames, Anderson, Ashley, Baxter, Beaman, Blaine, Blair, Blow, Boyd, Brooks, Broomall, Ambrose W. Clark, Cole, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eldridge, Eliot, English, Finck, Gooch, Griswold, Benjamin G. Harris, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulbard, Julian, Kelley, Francis W. Kellogg, Knapp, Knox, Le Blond, Littlejohn, Long, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Morrill, Daniel Morris, James R Morris, Amos Myers, Leonard Myers, Noble, Norton, Charles O'Neil, Perham, Pomeroy, Price, Samuel J. Randall, John H. Rice, James S. Rollins, Ross, Schenk, Scott, Shannon, Smithers, John B. Steele, William G. Steele, Stevens, Stuart, Sweat, Van Valkenburgh, Ward, William B. Washburn, Webster, Whaley. Wheeler, Williams, Wilson, Windom, Winfield, and Benjamin Wood (*Congressional Globe*, vol. 53, page 3,244).

He also quoted the yeas and nays on the passage of the bill, which were as follows:

> Yeas—Messrs. Allison, Ames, Ashley, Augustus C. Baldwin, Beaman, Blaine, Blair, Blow, Brandegee, Brooks, William G. Brown, Ambrose W. Clark, Coffroth, Cole, Creswell, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Eliot, English, Fenton, GARFIELD, Griswold, Hale, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian Kalbfleisch, Orlando Kellogg, Knox, Littlejohn, Loan, Longyear, Marvin, McBride, McClurg, Moorhead, Morrill, Morrison, Amos Myers, Noble, Odell, Charles O'Neill, Patterson, Perham, Pomeroy, Price, John H. Rice, Ross, Schenck, Shannon, Sloan, Smithers, John B. Steele, William G. Steele, Stevens, Stuart, Sweat, Thayer, Upson, Webster, Wilson, Windom, and Benjamin Wood—70.
>
> Nays—Messrs. Ancona, Bailey, Bliss, Boutwell, Chandler, Dawson, Denison, Eden, Edgerton, Gooch, Grider, Harding, Harrington, Benjamin G. Harris, Holman, Philip Johnson, Kernan, Knapp, Law, Le Blond, Mallory, Marcy, McDowell, McKinney, John O'Neill, Orth, Radford, Robinson, Rogers, Edward H. Rollins, Scofield, Styles, Thomas, Elihu B. Washburn, William B. Washburn, Chilton A. White, Joseph W. White, and Fernando Wood—38.

WASHBURNE TELLS WHO VOTED FOR THE ACT OF 1864.

Mr. Wasburne then said:

> The members of the present Congress who voted for the bill were as follows: Allison of Iowa, Ames of Massachusetts, Ashley of Ohio, Baldwin of Massachusetts, Beaman of Michigan, Blaine of Maine, Brooks of New York, Dawes of Massachusetts, Dixon of Rhode Island, Donnelly of Minnesota, Eliot of Massachusetts, Garfield of Ohio, Griswold of New York, Higby of California, Hooper of Massachusetts, Hubbard of Iowa, Jenckes of Rhode Island, Julian of Indiana, Loan of Missouri, Marvin of New York, McClurg of Missouri, Moorhead of Pennsylvania, O'Neill of Pennsylvania, Perham of Maine, Pomeroy of New York, Price of Iowa, Ross of Illinois, Schenck of Ohio, Stevens of Pennsylvania, Upson of Michigan, Wilson of Iowa, and Windom of Minnesota.
>
> Those members of the present Congress who voted in the negative were as follows: Boutwell of Massachusetts, Chanler of New York, Holman of Indiana, Orth of Indiana, Scofield of Pennsylvania, Washburne of Illinois, Washburn of Massachusetts, and Fernando Wood of New York.
>
> The bill then went to the Senate and came back with amendments, upon which a Committee of Conference was ordered. On the 1st of July the Committee of Conference reported, bringing up such new matter as would, in my opinion, be in violation of every rule which governs Committees of Conference in legislative bodies. Gentlemen, by turning to the *Globe*, volume fifty-three, page 3480, will see that the new matter so introduced covers nearly a page of nonpareil. And this report, changing so materially the bill as acted upon by the House and Senate, was gagged through; the opponents of the measure were not permitted to have it printed and postponed so that they could see what it was. I struggled in vain for the printing of the report, and for its delay until the members of the House could have an opportunity of reading it; but the gentleman from Pennsylvania (Mr. Stevens) demanded the previous question, which was seconded and the main question ordered to be put; and it would seem incredible that in a matter of legislation involving interests so vast and pledging amounts of money so enormous, even the yeas and nays were refused—that even tellers were refused. I read from the proceedings as reported in the *Globe*, volume fifty-three, page 3481:
>
> "Mr. Washburne, of Illinois, demanded the yeas and nays; on agreeing to the report; and tellers upon the yeas and nays.
>
> "Tellers were not ordered, and the yeas and nays were not ordered.
>
> "Mr. Washburne, of Illinois, demanded tellers on agreeing to the report.
>
> "Tellers were not ordered.
>
> "The report was agreed to."
>
> Thus ends the story of the action of the House touching this extraordinary legislation, which will go into the history of the country.

FURTHER DISCUSSION IN 1868.

On March 12th, 1868, the Committee on Pacific railroads reported back a substitute for Washburne's resolution which had been referred to it on March 26th, 1868. This substitute provided that the government should not attempt to regulate the freight and passenger tariffs on the Pacific railroads until they were completed, and provided further also that the charges for freight should never be reduced below 8 cents per mile for freight and 6 cents per mile for passengers.

In discussing this proviso Mr. Van Wyck of New York said:

> Now, what do we see from the company's report? That a road eleven hundred miles in length, by their own report, is to be built, which will cost, with all their fabulous prices for construction, $82,000,000. That is the cost according to their report. And then they show what they have to build this road with. They have of the United States bonds, $29,000,000; of first mortgage bonds,

$29,000,000; of capital stock paid in, $8,000,000; of land grants, fourteen millions eight hundred thousand acres, which at $1.50 per acre, amounts to $21,000,000, making in all $88,000,000.

Now, mark, they say the cost of eleven hundred miles is $82,000,000, and yet they have $88,000,000 to build it. So they will have $6,000,000 more in their treasury when the road is completed than they have resources to build it. Of that $88,000,000, $8,000,000 is money which they have put in their hands for building the road; so that when it is finished they will have paid out, according to their own figures, only $2,000,000 to build it.

But this road does not cost $82,000,000. These gentlemen have made contracts with themselves, whereby they pay double the amount to build the road that it ought to cost. They have contracted to build it for the first five hundred miles at $50,000 per mile; and the government commissioners, who certainly are not unfriendly to these parties, in speaking of this matter, dated July 8, 1865, say:

"In October, 1864, when we assumed the duties of our appointment, we found that in the months of August and September previous a contract had been arranged and consummated by the executive committee, in which are vested the powers of the board when not in session, for the construction and equipment of the first one hundred miles of the road west of the Missouri river at the rate of $50,000 per mile, payable $5,000 per mile in the stock of the company, and the balance in the currency bonds of the government and the securities of the company. From the first the contract price appeared to us to be very high. At present, with the probable decline in the cost of labor and materials, and advance in the value of government bonds, it seems extravagant."

Another commissioner reports, on the 26th of August, 1865, that the balance of the five hundred miles could be built at a small cost compared with the rate at which the first one hundred miles were contracted. And yet $50,000 per mile has been paid for building the road, which could not have cost over $25,000.

The eastern division, a more expensive road, cost less than $30,000 to build it. The Atchison branch has cost less than that.

MR. VAN WYCK SAID THAT THE CREDIT MOBILIER WAS A RING TO ROB THE GOVERNMENT.

These men, then, do not go outside of their own corporation to make contracts. They have created a Credit Mobilier. They have created a ring inside the corporation. Look. In 1864 there were one hundred and twenty-five stockholders in this Pacific Railroad, holding two thousand shares of stock. In January, 1866, there were one hundred and twenty-three stockholders, holding twenty-eight thousand shares of stock. In the report which these gentlemen were required to make they named the stockholders and the amount of stock held. In the last report the number of stockholders had dwindled down to fifty-three, and they do not state the number of shares they own. Only fifty-three stockholders, a year and a half ago, owning a road representing $100,000,000 of capital! It takes twenty of these stockholders to make a directory, so that you have thirty outside. Sir, they have demonstrated that the obstacles in the way of the construction of this road have passed away. The company is now drawing a triple subsidy of $96,000 a mile for building what was said to be the most "difficult and mountainous" part of the road. From the foot of the Black Hills, which are claimed to be the base of the Rocky Mountains, they run about forty-five miles aud then strike the Laramie plain and run one hundred miles almost on a level, and on these one hundred and fifty miles they are receiving the triple subsidy.

Mr. Johnson, of California: The Central Pacific division of that great road is now charging the people of the State of California fifteen cents a mile for freight, and ten cents a mile for passengers.

Mr. Washburne, of Illinois: In gold?

Mr. Johnson, of California: In gold. The net proceeds of that road, which is about ninety miles in length, were last year nearly one million and a half dollars. In a very short time that road, like a mighty vortex, will drink up all the wealth of our new and growing state. Now, Mr. Speaker, if there is any honest intention on the part of this House to protect our people against this oppression, I ask that the demand for the previous question be voted down, and allow this amendment to be made, restricting this corporation, and not leaving them the latitude of the four winds.

Mr. Clarke, of Kansas: A t the moment the merchants of the city of Topeka are transporting their freight by oxen and horse teams to the city of Leavenworth—a distance of forty-five or fifty miles—instead of sending it by railroad——

END OF A BRAVE CONTEST FOR THE RIGHT.

After further debate the following votes were taken, May 12, 1868 (see *Globe*, vol. 67, pp. 2428–29).

On Mr. Farnsworth's motion to recommit, the yeas were 62, nays 59, not voting 58.

Among the yeas, Messrs. Ames, Brooks, Dodge, Eliot, Hooper, Kelly, Scofield, and Twichell.

Among the nays, Messrs. Allison, Blaine, Butler, Garfield, and James F. Wilson.

Among those not voting, Messrs. Bingham, Boutwell, Dawes and C. C. Washburne.

The next question was on motion to amend the substitute by striking out the proviso, on which the yeas were 75, nays 48, not voting 66.

Among the yeas were Messrs. Holman and E. B. Washburne.

Among the nays. Messrs. Allison, Ames, Brooks, Butler, Dodge, Eliot, Garfield, Hooper, Scofield, Twichell, and James F. Wilson.

Among those not voting, Messrs. Bingham, Blaine, Boutwell, Dawes and Kelly.

And thereupon a further amendment was adopted and the substitute for the resolution passed without division.

It went to the Senate, was referred to the Committee on the Pacific Railroad, and there it "slept the sleep that knows no waking."

Thus was begun, prosecuted, and ended one of the bravest contests ever made for the rights of the people.

THE PROFITS OF THE CREDIT MOBILIER.

Up to this time the Credit Mobilier had received the profits in the construction of the Union Pacific Railroad through the original Hoxie contract, which were

$5,168,233.91. In addition it received $1,104,000, which was paid to the concern under resolution of January 5, 1867 (*see pages* 6, 7 *and* 8, *Wilson Report, Credit Mobilier Investigation*). Also the profits from the Oakes Ames contract, amounting to $29,854,141.99.

This brings us to November 1, 1868. We have shown from the *Congressional Globe* that General Garfield must have been familiar at this time with the true character of the Credit Mobilier and its connection with the construction of the Union Pacific Railroad.

On November 1, 1868, a contract was made with James W. Davis to construct the remainder of the Union Pacific Railroad from the point where the Oakes Ames contract left off to the junction with the Central Pacific Railroad. The report of the Wilson Credit Mobilier Committee (*see Report No.* 78, *H. R.*, 42*d Congress,* 3*d session, pages* 13 *and* 14) says of the Davis contract:

> This was a contract made with J. W. Davis, a man of little, if any, pecuniary ability (and not expected to perform the contract), for the construction of that part of the road beginning at the western terminus of the "Ames contract" and extending to the western terminus of the road, a distance of one hundred and twenty-five and twenty-three one hundredths miles. It was upon the same terms as the Ames contract, and was assigned to the same board of trustees.

Under it the remainder of the road was constructed, and from a balance-sheet taken from the books of the railroad company, it appears that the cost to the railroad company was	$23,431,768 10
And from a balance-sheet taken from the books of the trustees, that the cost to the contractor was	15,629,633 62

> Your committee present the following summary of the cost of this road to the Railroad Company and to the contractors, as appears by the books:

COST TO THE RAILROAD COMPANY.

Hoxie contract	$12,974,416 24
Ames contract	57,140,102 94
Davis contract	23,431,768 10
Total	$93,546,287 28

COST TO THE CONTRACTORS.

Hoxie contract	$7,806,188 33	
Ames contract	27,285,141 99	
Davis contract	15,629,633 62	
		50,720,958 94
		$42,825,328 34
To this should be added amount paid Credit Mobilier, on account of 58 miles		1,104,000 00
Total profit on construction		$43,925,328 34

> The balance-sheets, from which the foregoing results have been obtained, were made out by Mr. Crane and Mr. Ham, accountants familiar with the books and with most of the transactions. Your committee have earnestly endeavored to get the exact cost of the road to the company and to the contractors, and if they have failed it is because those who should know and have had the opportunity to inform the committee have failed to give the information. The books have been kept in such a way, and the transactions have been of such a character, as that their true nature has been very much disguised.

THE RING COMES TO CONGRESS AGAIN FOR PROTECTION.

It was known to everybody in the country who took any interest in these matters, and as we have shown, to every member of Congress, Gen. Garfield included, that the men interested in the Union Pacific Railroad were making enormous profits by building it through the medium of the Credit Mobilier of America. The notorious Jim Fisk and his associate Jay Gould, had obtained some sort of an interest in the Union Pacific Railroad and wanted to force themselves into the Oakes Ames ring. They began proceedings in the New York courts, and Judge Barnard issued various injunctions and restraining orders to compel the Union Pacific Railroad Company and the Credit Mobilier of America to state accounts, and all interested with Ames were dreadfully frightened. Nothing could save them from a frightful exposure but Congressional legislation. Accordingly they came to Congress for relief. It was natural that they should come there, for Ames, as he had said in his letter to McComb, had placed the stock of the Credit Mobilier, "*where it will produce most good to us, I think.*"

On March 15th, 1869, Mr. Bingham, of Ohio, Chairman of the Judiciary Committee and one of the members of the House to whom Ames had given Credit Mobilier stock, asked unanimous consent to introduce the following joint resolution:

Joint resolution for the protection of the interests of the United States in the Union Pacific Railroad Company and for other purposes.

Whereas, the proceedings of the regular annual meeting of the stockholders of the Union Pacific Railroad Company, convened in the city of New York on the 10th day of March, 1869, were interrupted by an *ex-parte* injunction, issued by a Justice of the Supreme Court of the state of New York, before the business of said meeting was concluded and before the time for closing its proceedings ; and

Whereas The government of the United States is largely interested in the proper management of the affairs of said company, and in a strict observance and proper administration of the laws organizing and governing the same ; and

WHEREAS, Important legal questions may arise as to the validity of the acts of the meeting interrupted as aforesaid ; therefore

BE IT RESOLVED, *By the Senate and House of Representatives of the United States in Congress Assembled,* That the said meeting of the stockholders of said company mentioned in the preamble of this resolution, be and the same is hereby declared to have been lawfully convened and organized, and that the resolution adjourning the same, to meet in the city of Washington. on Thursday, the 10th day of March, 1869, and fixing the city of Boston as the place for holding the annual meeting of the stockholders, for the year 1870, be and the same is hereby declared valid, and of full legal force ; and the said stockholders who convene in said adjourned meeting, in the city of Washington as aforesaid, or in any adjourned meeting thereto to be held within one month at Washington or Boston, are hereby required to elect a Board of Directors for said Company for this year, and after their successors shall have been elected and qualified, they may then transact such other business as they are required to do, or may lawfully do ; and every stockholder at such meeting shall be entitled in person, or by proxy, to cast one vote for each share of stock lawfully held by him and standing in his name on the books of the company on the first day of March, 1869 ; and in all proxies given to be used at the said meeting of the tenth of March, 1869 ; which were given on or since the first day of September, 1868, and none other shall be good and valid at the adjourned meeting to be held on the 18th day of March, 1869, and at any adjourned meeting thereof, and may be used thereat with the same effect as they could have been used at the meeting of the 10th of March, 1869 ; but nothing in this resolution shall be construed to effect or limit the right of any stockholder who has given any proxy to vote his stock in person, or his right to revoke his proxy, by giving one of a later date, or otherwise ; but the right of any stockholder then to vote for himself, or to so revoke his proxy previously given, is hereby fully confirmed and established.

Provided further, That on the election of the directors herein provided for, the term of office of all persons then acting or claiming the right to act as directors of the said company, except the government directors, shall cease and terminate.

And provided further, That the Board of Directors of the Union Pacific Railroad Company shall have power, whenever in their judgment the interests of the company or of the government of the United States may require it, to remove the general office of said company and all the books, papers and effects from the city of New York to either of the cities of Boston, Philadelphia, Cincinnati, Chicago, St. Louis, Council Bluffs, or Omaha, and in no manner shall a free exercise of said judgment to remove be restrained :

Provided further, That no court, other than the United States Circuit or District Court, shall have power or jurisdiction to enjoin any of the acts in this resolution, authorize or appoint a receiver for or on account of any of the rights, property, assets, and effects or interests of the said Union Pacific Railroad Company in any case in which the defense rests on the constitution or any law or treaty of the United States ; and all actions in any court, so far as in conflict with this clause of the resolution, shall, upon the application of the said Union Pacific Railroad Company or any person interested therein as a bona fide stockholder, be removed to the United States District or Circuit Court having jurisdiction in the district within which said action or actions may arise, which said application to remove may be made directly to said United States District or Circuit Court, and the joining of other parties to the said company shall not affect the right of said Company to remove such application or its right to have such cause or causes removed as aforesaid.

And provided further, That the annual meeting of the stockholders of the said Union Pacific Railroad Company, after the meeting provided for, as aforesaid, to be held in the city of Boston in the year 1870, may be held either in the cities of Boston, Baltimore, Philadelphia, Washington, Cincinnati, Chicago, Omaha, or St. Louis, as may be determined by the said stockholders at the next preceding annual meeting.

HOW THE RING WAS PROTECTED.

It will be observed that this joint resolution, among other things, legalized the proceedings of the director's meeting at New York, which had been broken up by an injunction issued by Judge Barnard, restraining the officers and directors of the Union Pacific Railroad Company from holding such a meeting. It will also be observed that it was provided that an adjourned meeting of the directors might be held in the city of Washington, which, under the charter of the railroad company, would not have been possible without this special legislation. It will also be further observed that this resolution in effect placed the Union Pacific Railroad corporation on wheels, and allowed it to be run about the country as Oakes Ames and the principal managers of it might deem expedient, in order to avoid legal process issued on the petition of bona fide stockholders whom they were defrauding through the Credit Mobilier of America. At this very time the officers of the Union Pacific Railroad Company and of the Credit Mobilier of America were hiding in out-of-the-way places to avoid legal process. The books of these two companies had been in defiance of the restraining order of the Supreme Court of the state of New York, abstracted from the company's offices and carried first to New Jersey, thence to Philadelphia, and subsequently to the city of Boston. Moreover, as was proven in the two investigations ordered by the House of Representatives at the third session of the Forty-second Congress, some of the most important books of the Credit Mobilier Company were lost or pretended to be lost during the time they were being carried about the country, and to this day the officers of this company aver that they do not know of their whereabouts ; and still further during this time $500,000 belonging to the Union Pacific Railroad Company, part of them being the bonds indorsed by the government, and the balance the first mortgage bonds of the railroad company, were lost and have never been accounted for, although it has been shown by competent testimony that the interest on a portion of these bonds is regularly drawn by some of the officers of the railroad company.

> When the resolution above quoted had been read in the house on March 15, 1869—
> Mr. Axtell of California said : I object to the consideration of the joint resolution.
> Mr. Bingham : I move to suspend the rules in order to introduce the joint resolution.
> Mr. Wood : Mr. Speaker, I doubt whether the House understands this resolution.
> Mr. Bingham : I object to debate.
> The question being put on suspending the rules there were—ayes 90 ; nays 47.
> Mr. Bingham : I call for tellers.
> Tellers were ordered, and Messrs. Bingham and Axtell were appointed.
> The House divided and the tellers reported—ayes 96 ; nays 28.
> So, two-thirds having voted in favor thereof, the rules were suspended.
> The joint resolution (H. R. No. 6). for the protection of the interests of the United States in the Union Pacific Railroad, and for other purposes, was read a first and second time, was ordered to be engrossed and read a third time, and being engrossed it was accordingly read a third time.
> Mr. Bingham : I demand the previous question on the passage.
> Mr Wood : Is it now in order to refer the resolution to the Committee on the Pacific Railroads ?
> The Speaker : It is not. If the previous question is not sustained, the Chair will then entertain that motion.
> The previous question was seconded and the main question ordered.
> Mr. Wood : I demand the yeas and nays.
> The yeas and nays were ordered.
> The question was taken and decided in the affirmative. Yeas 99, nays 32 ; not voting 66.
> Among those who voted in the affirmative, were, Ames, Banks, Bingham, Dawes, Garfield, Kelly, and Scofield.

THE CREDIT MOBILIER IN THE SENATE.

The resolution having passed the House, it went to the Senate. When it came up there for debate, Mr. Stewart of Nevada, in the course of a remarkable speech said :

> Mr. President : This extraordinary measure must have emanated from some extraordinary set of facts. Here is a great corporation, in the first place, asking Congress to place it on wheels—to send it all over the country. In the next place, it asks Congress to exempt it from the jurisdiction of the courts, and confer upon it special privileges. If there is anything clear in law, if there is any rule of law that has been determined since the foundation of the government, it is that a

corporation, no matter whether the government holds stock in it or not, is subject to all the incidents of every other corporation. It was claimed on the part of the United States Bank, that because the government of the United States was the largest stockholder, it could be taken out of the state courts; that it could be endowed with certain extraordinary privileges; but Chief Justice Marshall took hold of that question and laid down the law in a manner that has never been doubted until now.

By this resolution the House of Representatives proposes to endow the Union Pacific Railroad with rights above all the laws of the states, and not only that, but to allow it to travel all over the United States; to give it a roving mission and to liberate it from the jurisdiction of the state courts. If the government of the United States can establish such a corporation for one purpose they can for all purposes, and you have no United States at all. The power exists in the general government to carry on everything by one corporation if this resolution be constitutional.

EXTRAORDINARY LEGISLATION FOR THE BENEFIT OF THE UNION PACIFIC ROAD.

Why are we called upon for this extraordinary legislation? Since the formation of the Union Pacific Railroad Company we have given it some legislation in this direction. We passed a joint resolution when they had another election up. The Union Pacific Road got into difficulty in 1867, and they came to Congress for relief and Congress passed this resolution.

"*Be it resolved, etc.*, That the time of holding the annual meeting of the stockholders of the Union Pacific Railroad Company for the choice of directors is hereby changed from the first Wednesday in October to the first Wednesday after the fourth day of March, and the stockholders are authorized to determine the place at which such annual meeting shall be held at the last annual meeting of the stockholders' meeting preceding such annual meeting: *Provided* the same shall be held in either of the cities of New York, Washington, Boston, Baltimore, Philadelphia, Cincinnati, Chicago, or St. Louis; and provided further that on the election of directors herein provided for to take place in March, A. D. 1868, the terms of office of all persons then acting or claiming the right to act as directors of said company shall cease and terminate."

(This is the same resolution that Mr. Dawes passed through the House of Representatives, 16th of December, 1867, the proceedings in regard to which have heretofore been given).

Mr. Stewart further called attention to a remarkable act of Congress which was passed in July, 1868, at the solicitation of the Pacific Railroad Ring. This was the time their first litigation began in New York.

SENATOR STEWART TELLS ALL ABOUT CREDIT MOBILIER.

Mr. Stewart said: They got into law suits and then came to Congress in July, 1868, and said somebody was going to eat them up directly unless they could get a law passed to take them out of these horrid state courts; and in the last days of the session of Congress did actually pass the following very remarkable law, the constitutionality of which is very doubtful:

"That any corporation or member therof, other than a banking corporation organized under a law of the United States and against which a suit at law or equity has been or may be commenced in any court other than a Circuit or District Court of the United States for any liability or alleged liability of such corporation, or any member thereof, as such member, may have such suit removed from the court in which it may be pending to the Circuit or District Court of the United States, upon filing a petition therefor, certifying by oath either before or after issue joined, stating that they have a defense arising under or by virtue of the Constitution of the United States, or of any treaty or law of the United States, and giving good and sufficient surety for entering in any such court. On the first day of its session copies of all proceedings, pleadings, depositions, testimony and other proceedings in said suit shall be entered, and doing such other proper acts as are required to be done by the act entitled 'An act for the removal of causes in certain cases from state courts, approved July 27, 1866,' and it would be the duty of the Court to accept the surety and proceed no further in the suit; and the said copies being entered, as aforesaid, in such court of the United States, the suit shall then proceed in the same manner as if it had been brought there by original process; and all the provisions of said act in this section referred to respecting any bill, attachment, delay, injunction, or other restraining process, and respecting any bonds of indemnity of other allegations given upon the issue or granting of any attachment, injunction or other restraining process, shall apply with like force and effect in all respects to similar matter, process or things, in the suits for the removal of each, which the act provides."

A REMARKABLE DOCUMENT—MORE REVELATIONS.

This was passed at the instance and for the benefit of the Union Pacific Railroad Company. Now, why are they in these difficulties? I have in my hand a paper which will illustrate the beginning of this trouble. As they are calling upon Congress for this extraordinary legislation, I desire to have this paper read, and I wish to call special attention to this document, for I do believe that in this controversy the dignity and honor of Congress and of the country are more or less involved. I ask for the reading of the document, which I send to the Chair.

This document, which was read by the clerk at Mr. Stewart's instance, was the agreement made on the 16th day of October, 1867, between the seven trustees under the Oakes Ames contract, by which these men, who held a majority of the stock of the Union Pacific Railroad, pledged themselves to protect their mutual interests in this contract by voting at each annual stockholder's meeting the directors who were then holding office, in order that there might be no interference with the Oakes Ames contract, the profits of which were to be shared pro rata with these seven trustees, according to their respective interests.

After the reading of this document Mr. Stewart went on to say, that he had also a paper purporting to be a bill in equity, filed by James Fisk against the officers of the Union Pacific Railroad, setting forth that there is a conspiracy between a certain body of people styled the Credit Mobilier, a ring consisting of the members of the Union Pacific Railroad Company; that these men have reaped immense profits from this arrangement, to the injury of other stockholders who were not in the ring; that some thirty millions of dollars have been obtained and divided in this way.

In commenting upon this Mr. Stewart said :

> "*I have heard it stated that leading members of the Committee on Pacific Railroads in the House were not only in the Union Pacific, but in this identical Credit Mobilier, and were the recipients of enormous dividends, and I have not heard it denied. It is further stated, that for that very reason the thing would never be investigated;* and it is said you want to take it out of the courts, you want to stifle investigation everywhere. Are we prepared to place Congress in that situation, if there is anything wrong about this matter. (*See Congressional Globe, first session, Forty-first Congress, pp.* 303, 305.)

The next day, when the resolution was again under consideration, Mr. Stewart said that he had called attention to some singular and rather remarkable paper connected with the Credit Mobilier, and a memorandum of agreement with certain stockholders of the Union Pacific Railroad Company. Since then he had looked farther into the subject, and he had some more revelations to make to the Senate. He then read the title of Mr. McComb's bill in equity against the Credit Mobilier, and also some extracts from the body of the bill itself. He called particular attention to the fact that Ames was charged with having 343 shares as a secret trust for persons whose names do not appear on the books of the company, and the allegation that he was distributing the dividends among unknown parties. Thus it will be seen that the scandal of the Credit Mobilier and Oakes Ames' distribution of the stock of the same among members of Congress was, as far back as 1869, gravely discussed in Congress.

WHAT THE FACTS PROVE AGAINST GARFIELD.

The foregoing facts, compiled from the official record, establish beyond peradventure, in regard to Gen. Garfield, the following points:

First. He was a member of the Thirty-eighth Congress when the Act of 1864 was passed. The character of that legislation was thoroughly exposed in the House by Mr. E. B. Washburne of Illinois, Mr. Holman of Indiana, and other gentlemen. Gen. Garfield knew what he was voting for.

Second. Prior to January 30, 1868, he had contracted with Oakes Ames for 10 shares of Credit Mobilier stock. This is proved by Ames' letter to McComb, of that date.

Third. On December 9, 1867, a joint resolution was introduced in the House to create a government commission with power to regulate the freight and passenger tariffs of the Pacific railroads. It was referred to the Committee on Pacific Railroads, and never reported to the House. On January 20, 1868, Mr. Windom reintroduced this resolution, and it was debated then, and on March 12, 20, 25, 26, and May 12, 1868. This debate fully elucidated the relations of the Credit Mobilier of America to the Union Pacific Railroad. On every test vote in the House upon this resolution, Gen. Garfield is shown, by the *Congressional Globe,* to have either dodged the issue or squarely voted for the corrupt corporation.

Fourth. On March 15, 1869, after the Credit Mobilier of America had received the profits from the Hoxie and the Oakes Ames contracts, amounting to $6,272,233.91, and was in process of receiving the profits of the Davis contract, which amounted to $29,854,141.99, the joint resolution introduced by Mr. Bingham, of Ohio, was debated and its purpose shown. The record proves that Gen. Garfield voted for this resolution, which was intended for the protection of the men who were enjoying the enormous profits realized in the construction of the Union Pacific Railroad through the Credit Mobilier of America.

Fifth. The evidence of Oakes Ames, corroborated by that of John B. Alley, proves that Gen. Garfield was one of the beneficiaries of the Credit Mobilier fraud; that Judge Black, his intimate friend, said to Alley, that "he should be very sorry to expose Mr. Garfield, who was a particular friend of his."

Sixth. That when Gen. Garfield testified before the Poland Committee, January 13, 1872, that, "*I never owned, received, or agreed to receive any stock of the Credit Mobilier, or of the Union Pacific Railroad, nor any dividends or profits arising from either of them,*" he committed perjury.

Seventh. That the unanimous report of the Congressional Committee, made by Luke P. Poland of Vermont, N. P. Banks of Massachusetts, G. W. McCreary of Iowa, W. E. Niblack of Indiana, and W. M. Merrick of Maryland, proves that Gen. Garfield was a perjurer. Of Gen. Garfield's connection with the Credit Mobilier this report says:

> *The facts in regard to Mr. Garfield, as found by the committee, are that he agreed with Mr. Ames to take ten shares of Credit Mobilier stock, but did not pay for the same. Mr. Ames received the eighty per cent. dividend in bonds and sold them for ninety-seven per cent., and also received the sixty per cent. cash dividend, which, together with the price of the stock and interest, left a balance of $329. This sum was paid over to Mr. Garfield by a check on the Sergeant-at-Arms, and Mr. Garfield then understood this sum was the balance of dividends after paying for the stock.*

The New York *Tribune* commenting January 28, 1873, on the position in which Garfield was left by Oakes Ames' testimony said:

> To accept from the Credit Mobilier valuable allotment of shares at a merely nominal price; to lie and shuffle and prevaricate about the transaction; to concert with a witness the manufacture of false testimony; to testify falsely under oath. These are offenses which should ruin not only those who commit, but those who apologize for them.

Again the *Tribune*, February 19, 1873, says:

> James A. Garfield, of Ohio, had ten shares, never paid a dollar, received $329, which after the investigation began, he was anxious to have considered as a loan from Mr. Ames to himself.

The New York *Times*, February 19, 1873, says:

> We do not agree with the committee in its lenient assumption that such knowledge was not possessed by the Congressmen who purchased the stock. If they did not know its character they must have been curiously deaf and blind as to what was going on about them. * * * Of the members thus referred to Messrs. Kelly and GARFIELD present a most distressing figure.

The Cincinnati *Commercial*, February 3, 1873, said:

> The member (of Congress), who had ten or twenty shares to his credit, was not called upon to invest his own money, as his stock more than paid for itself. In plain words and putting aside the flimsy pretense of a business transaction, *it was a division of spoils taken from the munificence of the people.* No member of Congress could have been so absolutely ignorant as not to know that such enormous profits were not legitimate earnings.

The New York *Independent*, the leading religious paper in the United States, in 1874, said of General Garfield:

> We cannot forget that he was more deeply involved in the Credit Mobilier difficulty than any other member of the House of Representatives, excepting of course Ames and Brooks.

THE DISTRICT OF COLUMBIA RING AND THE DE GOLYER BRIBE.

Gen. Garfield was the friend of the District of Columbia Ring. He was owned by that combination of public plunderers. He was the most influential friend they had in the House of Representatives. As Chairman of the Committee on Appropriations he was the leader of the House. In the spring of 1872, by its profligate waste of money, the Ring was getting into deep water. The only salvation of Boss Shepherd and his associates was to obtain large appropriations from Congress. There was obstinate opposition to the Board of Public Works on the part of a respectable number of the citizens of the District. In the winter of 1871–2 a Congressional investigation was instituted, which, although controlled by the friends of the Ring, had developed damaging facts. It was necessary for the safety of every member of the Ring to have in the Chairman of the Committee on Appropriations a staunch friend. The opportunity offered. Shepherd was a shrewd man. He knew Gen. Garfield's value. DeGolyer & McClellan, a firm of Chicago contractors, sent to Washington early in the spring of 1872 George R. Chittenden, to procure a contract for them from the Board of Public Works. They controlled a patent for wood pavement. It had been tried in Chicago and found to be worthless. A commission of eminent men, appointed by the District government, had just previous to the advent of Chittenden pronounced against all wood pavements. This did not discourage the persistent agent of DeGolyer & McClellan. He felt the ground and returned to Chicago and told his principals that he wanted $100,000. They agreed to furnish it. He came back to Washington. He secured the services of Henry D. Cooke, the Governor of the District, through a Rev. William Calvin Brown. His main object, however, was to reach Gen. Garfield, the Chairman of the Committee on Appropriations. For this purpose he employed Col. Richard C. Parsons, of Ohio. He agreed to pay Parsons $15,000 if he reached Garfield, and through him obtained a contract. When he was assured by Parsons that Garfield was retained he wrote to DeGolyer & McClellan a jubilant letter.

> The influence of Gen. Garfield, he said, has been secured by yesterday's, last night's and to-day's labors. He carries the purse of the United States, the Chairman of the Committee on Appropriations, and is the strongest man in Congress; and, with him our friend, my demand is to-day not less than a hundred thousand more—two hundred thousand in all. Everything is in the best shape; the connections complete.
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> * * * * * * * * * * * * * *
>
> I can hardly realize that we have Gen. Garfield. It is rare, and very gratifying. All the appropriations of the District come through him.

For the service which Gen. Garfield rendered he was paid $5,000. He claims that it was not a bribe. Let any impartial man read carefully the history of the District Ring and the services which Gen. Garfield rendered it, and say on his honor that he believes he was paid this money save for his influence, or that he earned it by any other way than the exercise of his influence with Boss Shepherd.

THE HISTORY OF THE DISTRICT RING.

The District of Columbia Ring in the zenith of its power was the most perfectly organized, the strongest entrenched corrupt combination this country ever saw. It not only included all the corrupt men in Congress, but all the principal representatives of the great rings in the country were either directly interested or were anxious to secure the assistance and friendship of its leaders. It was primarily the conception of a few unscrupulous plotters in 1870–1. The flood-tide of apparent prosperity which set in at the close of the civil war had, at this period, reached its greatest height. It was an era of gigantic undertakings, stupendous jobs and wholesale corruption of public men. The Union Pacific Railroad had been completed, and the Credit Mobilier of America had pocketed $50,000,000. The Northern Pacific Railroad had been chartered and endowed with a landed subsidy equal in extent to the Empire of France and the kingdoms of Spain, Portugal and Italy. Washington was full to overflowing with jobbers and lobbyists. All the great rings which were being gorged with public plunder had their agents and representatives at the national capital to watch events and take care of their interests. The kings of the lobby then were Jay and Henry D. Cooke. Their trusted, adroit general manager was the late William S. Huntington, a brilliant versatile man of exceedingly affable manners, with a genius for jobbery, and endowed with an unsurpassed talent for bold combinations. He was on intimate terms with many public men, and his entertainments were excelled only by those of Sam Ward. Concerned in all great schemes, he saw a grand opportunity for speculation, jobbery and money-making in the national capital. His first effort, the passage through Congress of a charter for the Washington and Georgetown Passenger Railroad Company, along Pennsylvania avenue, had proved a grand success, since not long after the road was completed it was sold to a few New York capitalists at a profit of three hundred per cent. on the original investment.

A NATIONAL EXHIBITION JOB.

The next scheme, originated in September, 1869, was to procure a most extraordinary charter from Congress for a corporation which was to hold a "Grand Universal Exposition of all Nations in the City of Washington in 1871." On October 1st, 1869, President Grant was made President of the General Executive Committee and *ex-officio* Chairman of the Local Executive Committee. On December 7th, 1869, the scheme was introduced into the United States Senate by Senator Paterson, of New Hampshire, who was interested in real estate speculations with the leading members of the Ring. It provided an appropriation of $3,000,000; instructed the Secretaries of the Treasury and of the Navy to provide transportation by land and water; the Secretary of the Interior to place a public reservation at the disposal of the corporators, to grade, lay out and otherwise improve the same, and the streets and avenues leading thereto; the Secretaries of War and of the Navy were to furnish an indefinite number of soldiers and marines to do guard duty from the commencement of the work to the sale or final disposition of the buildings, and our ambassadors and consuls in foreign lands were to act as agents for the corporation in securing foreign contributions. "Give us the money to put up the buildings and the thing will run of itself," said the promoters of the undertaking in their appeal for assistance. It was apparent to every one that this was a wild scheme intended solely for the benefit of its originators; yet the Senate spent day after day during the whole winter and spring in its earnest discussion, and only the masterly opposition of two well-informed and incorruptible Senators, assisted by the independent press of the country in exposing the fraud, saved us from a national disgrace, and spoiled this huge real estate and stock speculation. Senator Thurman termed the scheme "a humbug, imposing an expense of five or six millions of dollars upon the Treasury of the United States." Finally, on June 10th, 1870, the Senate, ashamed apparently of the earnestness bestowed upon a manifest job, quietly passed over the bill and it was never called up again.

THE RING'S ROYAL NOTIONS.

The next great enterprise undertaken by these schemers was to provide a city park. A sufficient extent of land along the picturesque banks of Rock Creek, northwesterly from the city, was found to be in the hands of public-spirited citizens (?) who were willing to sell tracts of it for such a meritorious object; and in close proximity thereto were found proper sites for a mansion and summer residence for the President of the United States, for costly edifices for the use of members of the Cabinet, and for homes for Senators, to be erected by their States. A resolution was introduced and rushed through Congress to have these lands surveyed and plans perfected for laying out roads, drives, vistas and building bridges, under the direction of the Commissioners of Public Buildings and Grounds, and the necessary funds were appropriated to enable him to pay for this work. To do this preliminary work took General Michler, the Commissioner of Public Buildings and Grounds, longer than the impetuous improvers were inclined to wait, and so this undertaking was, for the time being, suffered to remain in this inchoate condition. In the meantime, the Ring speculators were quietly working up two other jobs which promised more immediate remuneration. One of these impromptu schemes hurriedly passed through Congress was the Act of May 20th, 1870, under the provisions of which the public reservation No. 7, on Pennsylvania avenue, between Seventh and Ninth streets, worth half a million of dollars, was, coupled with the most valuable municipal franchises, handed over, in spite of the protest of the Mayor and City Council, to the Washington Market Company for a term of ninety-nine years, subject to the payment of a disproportionate rental for the benefit of the Poor Fund of the District, and to the further condition of erecting a grand monumental edifice to be used as a City Hall. All opposition to this scheme was overcome by the exhibition of a monstrous picture of the proposed palatial building during the debates in the Senate and the House of Representatives. The trifling rental which was to be paid to the Poor Fund was subsequently reduced by a legislature of which we shall speak hereafter, and then well nigh annihilated by the act of three of the original corporators, who nominally went out of the enterprise, and, acting as territorial officers, made a bargain with themselves and associates, by which, besides nullifying the rental obligation, they formally assumed on the part of the District the erection of the costly building which under its charter the Market Company was obliged to build. To commit Congress to an implied approval of this bargain, they had, on March 3d, 1873, an appropriation of $75,000 smuggled into the Sundry Civil Appropriation Bill, with an obscure description of reservation No. 7. With this sum they were to commence the erection of a City Hall, but, as will hereafter be seen, this money was, in violation of law, applied to another purpose.

A RICH BONANZA FOR PILFERING AND STEALING.

The founders of Washington planned it upon a magnificent scale. Wide streets and avenues intersect each other, the former running from north to south, designated by numbers, and from east to west by letters, crossing each other at right angles and again are cut diagonally by avenues bearing the names of the States of the Union. By this many public places are formed consisting of circles, triangles and squares in different parts of the city. Sections were set apart as reservations for the benefit of the citizens and for public buildings. A number of these had been beautified by degrees in the course of years. As these plans of men of genius were developed it became apparent that there was a chance to gain a cheap popularity by filching credit for originality due to bygone generations and a rich bonanza for pilfering and stealing, since any improvement not in total disregard of the splendid design could not fail to bring out the dormant beauties of the city and at the same time contribute largely to the health and pleasure of the inhabitants. The time was wonderfully auspicious; with feeble resources the local authorities had struggled for half a century to shape the city in the rough while it remained a mere straggling village, a city magnificent in distances only, so that legitimate demands for street improvements and sewerage had the co-operation and applause of all progressive citizens. The rapid growth of the country during the past few years, the almost unexampled increase of wealth and the consequent extravagant rage for display which always follows, made the parvenu bankers, shoddy contractors, railroad corporators and lobbyists who flocked to Washington every winter, dissatisfied with the old-fashioned city. They complained about the absence of level streets and avenues on which to speed their fast horses and show their grand equipages. They wanted to build palatial residences in which to entice, entertain and seduce Congressmen, but gravelled streets and macadamized avenues did not suit their fastidious tastes. The wily schemers intent upon plunder joined in and threw out hints about "smooth and noiseless" everlasting patent pavements. "It was a disgrace to this great country," they one and all said, "that the national capital was neglected in this manner. Congress ought to lift it out of its mud and squalor, and make it worthy of the great American republic."

MILLIONS MUST FLOW FROM THE PEOPLE'S TREASURY.

Men who had thrust their arms into the national treasury up to their elbows and raked out princely fortunes at one haul, were not willing to wait for the slow work of years and the gradual growth of the capital. No, there must be a wave of the enchanter's wand, millions must flow from the national treasury, and the city rise in gorgeous grandeur for their immediate delectation. Congress was debauched; the Executive power was in the hands of a man who had as little regard for the proprieties of the public service as he had for those of private life. Without a blush he accepted munificent gifts and rewarded the givers with emoluments and honors of high official position. Offices were bestowed as Napoleon the First parcelled out kingdoms among his kinsmen. The integrity and sense of responsibility of official life which distinguished the better days of the Republic were gone, and in their stead we had the low standard of barter and trade. It was emphatically a period of bargain and sale, of speculation and jobbery; in a word, radical rule had become a synonym for all the vices of the shoddy society of the day.

Washington had, as is well known, up to the year 1867, an old-fashioned municipal government, simple in its form and economical in its working, such as the experience of centuries has shown to be the best and most inexpensive for large cities if properly administered. Improvements within a limited range were being made, and the people had the right to choose their own rulers. The great proportion of the community was content with this form of government. The laws were respected, the checks upon official power good, and the opportunities for plunder small indeed. Subsequent experience has proved that all the clamor of bold, bad men, against this old municipal government and the way it was administered, was for the purpose of practising a deception on Congress, and thus getting control of the District with a government they could manage for schemes of plunder under the pretence of improving the city. By buying up the local press they had gained a powerful influence for evil, and they used it diligently to promote their designs on the public treasury.

THE FORM OF GOVERNMENT CHANGED TO GET RID OF NEGRO SUFFRAGE.

The District of Columbia had been since the war a harbor of refuge for the colored people, and for some years past they constituted one-third of the whole population. To school their youth properly, all the taxes collected from colored people had been set aside, but in consequence of the efforts of Sayles J. Bowen, a local radical politician, who in his person united the offices of disbursing clerk of the Senate, city postmaster, police commissioner, member of the levy court of the county and school commissioner, Congress passed a law compelling the cities of Washington and Georgetown and the county, to set aside for the use of a newly created board of trustees of the colored school, appointed by the Secretary of the Interior, such a proportionate part of all the moneys appropriated for the purchase of sites, construction of buildings, payment of teachers and any other expenditures, including contingencies of the white schools, as the colored children of school age bore to the whites. In view of Bowen's connection with the procurement of this legislation it is not strange that in May, 1868, when by act of Congress negro suffrage for the first time became an element of power in the municipal politics of Washington, a total revolution occurred, by which Sayles J. Bowen was elected mayor in the place of Richard Wallach, a loyal and respected conservative, who had served three successive terms, and under whose administration every requisition or appeal made on the city for volunteers or contributions to the pressing needs of the Union soldiers had been responded to with commendable alacrity and without adding scarcely a dollar to the municipal indebtedness. After the expiration of his two years' term, Mr. Bowen was swept from office by a so-called citizens' movement, and M. G. Emery was elected in his stead by 10,076 against 6,882 votes. After two short years the pay of the officers, teachers, employés, laborers and contractors was five months in arrears, and all the safeguard against the increase of debt had been disregarded by unusual devices suggested by William A. Cook, a legal trickster, feared by many but respected by none, who had been appointed corporation attorney, and had with others of a similar character, brought disgrace upon the Bowen administration. The great success of the reform ticket was due unquestionably to the universal desire to get rid of this local trickster, who had given up the preaching of the gospel and taken to the practice and distortion of the law some years previous.

BOSS SHEPHERD COMES TO THE FRONT.

It was not long before it became evident that, among the elements which had combined in the citizens' movement of 1870, there were some mischievous men who had simply used the popular current to get rid of a successful rival, and by indirection to further personal sinister interests. In this crusade a man turned up who had for long years, and in vain, striven to reach the highest municipal honor in Washington. Alexander R. Shepherd was elected an alderman, but had scarcely taken his seat in the City Council before he began intriguing for the overthrow of Mayor Emery's administration, and along with it the old municipal government of the city. The extravagance and misrule which had characterized the Bowen administration had so disgusted a large majority of property holders with an elective government, that the white people, irrespective of politics, were ready to welcome any change. Shepherd is a shrewd, adroit and unscrupulous man, who has come up from the lowest ranks of life just as Boss Tweed did. Without even serving an apprenticeship, he had managed to become the head of one of the largest plumbing and gas-fitting establishments in the District, and to control the greatest proportion of work on government buildings in Washington. From contract jobbery he gradually ventured into all descriptions of speculative enterprises, and, with a tender regard for the dead as well as the living, had undertaken to run a graveyard as well as a life insurance company. Later on he embarked in real estate speculations, and began the erection of rows of a cheap class of buildings, which were generally sold to mechanics and clerks on long terms. This business he began in partnership with Moses Kelly, well known in city politics, and with the bosses of the various building trades. It was a happy thought to tempt into this speculation, about the year 1868, Senator J. W. Patterson, of New Hampshire, since this association gave Shepherd social standing in higher circles than those in which he had hitherto moved, although, on the other hand, it speedily proved the political ruin of the senator. Since that time the victims of Mr. Shepherd's temptations may be counted by scores. Even while a member of the City Council, Shepherd was concerned, as a large stockholder, in wood and concrete paving companies, especially in the Metropolis Wood Paving Company, whose headquarters were over his store on Pennsylvania Avenue.

FROM THE SLUMS TO AFFLUENCE.

His tastes, at the outstart of his career, were low. By nature brutal and oppressive to his inferiors, he was ever fawning and sycophantic to his equals and superiors. About the year 1868, J. G. Naylor, a hard-working builder, dared to ask this budding boss for money due him, which so enraged Shepherd that he seized a piece of gas-pipe, struck the mechanic, and nearly broke his skull. After Naylor's recovery from a protracted sickness, Shepherd compromised the pending suit by the payment of a large sum of money. It was not long after this that he discovered that men who cheated with due regard to the conventionalities of society, and broke the Ten Commandments only in secret, are quite as apt at rascality, and much more useful associates, than the roughs who people the slums of cities. As deacon of a fashionable church, nicknamed the "Holy Locomotive," from its suggestive appearance, he craved the smiles of society, sought recognition from so-called gentle folks, and enlarged the circle of his creatures and tools by extending his alliances to the very threshold of the White House. He spread a bounteous board, and boasted a well-stocked cellar; and soon all the shoddy element of Washington society courted his hospitalities, while all decent people denounced him as a rogue. While he was squandering millions of the people's money on worthless tar poultice and rotten wood pavements, his own aggrandizement was attested by the erection of a stately palatial residence, with carved stone fronts, and doors and trimmings of rare woods. Antique furniture, huge mirrors, gorgeous carpets, costly pictures, filled this lordly mansion, and china, manufactured in France to order, graced his festal board. His splendid landaulet, drawn by a span of thoroughbreds harnessed in glittering trappings, driven and attended by flunkeys wearing wonderful liveries, attracted as much notice in the streets as the snob four-in hand of President Grant. There was an object in this ostentatious display, for by it Shepherd managed to fill his salons with judges, generals, senators, ambassadors and fine ladies, and his banquets soon became the talk of the town gossipers, and his balls the envy of every shoddy upstart, and thus in a little while the moral tone of the community was demoralized. A bold, unscrupulous man like Shepherd, invested with almost absolute power, and sustained by the legislative as well as the executive branch of the national government, could not fail to become a dangerous instrument of oppression to the people of the District, and an adroit agent for plundering the public treasury.

WHEN THE DEVIL WAS SICK, ETC.

The subject of the foregoing sketch was elected in 1870, by the Board of Aldermen, Chairman of the Committee on Finance. As such, he publicly simulated economy, and quietly favored the grossest extravagance. On the 2d of September, 1870, he, in reporting the general tax bill, spoke of the then financial condition of Washington as follows:

> The estimates of the Mayor for the expenses of the current year are $1,251,287.38. Your committee, however, are of opinion that, in view of the large indebtedness of the corporation, and the heavy taxation imposed under laws recently passed by Congress, it will be necessary to reduce the estimates of expenditures to $1,000,000. This can be done by omitting the sum estimated for cleaning the streets, by reducing the salaries of corporation officials, which, exclusive of teachers and police, have reached the enormous aggregate of $123,320, and by carefully restricting our improvements within the limits of our resources. These taxes will bear very heavily upon our people, already compelled to provide for an enormous funded debt. It therefore becomes our duty to administer their affairs with rigid economy, and to take all necessary measures to restore the credit of the city, now so greatly depreciated. Your committee, therefore, recommend the reduction of the salaries of the corporation officers, which now absorb twelve per cent. of the revenue, the introduction of a radical change in the cleaning of streets, and by carefully avoiding waste and recklessness in every branch of corporation expenditures.

THE PENNSYLVANIA AVENUE JOB.

At the very time these professions of economy were made by Shepherd, he had quietly sent out one W. H. Chase as an emissary to look after patent wood pavements. On his return, Chase reported that, "when properly laid, wood pavements will last from fifteen to twenty years in Washington." Congress had been importuned about this time by the ring then forming, to authorize paving Pennsylvania Avenue, between the Capitol and Treasury Grounds, with a patent pavement of some description, the government to pay $160,000, that being about one-half of the estimated cost.

In speaking of this proposition to pave the avenue, the Hon. J. Proctor Knott, of Kentucky, said:

> In my judgment, there is more in this measure than seems to be visible on the surface. I think it contains the materials for another of those never ending repasts for the hungry flock of small retainers who hover like vultures about this capital to prey on government garbage, and for which there must be paid out of the public treasury an unlimited amount of money. Lay not, then, I beseech you, "the flattering unction to your soul" that because the amount to be expended in this project appears to be limited to $160,000, that it will stop there. I tell you there is no power short of an Omniscient Providence that can foretell what the government will eventually have to pay for the improvement of this avenue, if it undertakes it at all. It is true that, assisted by the wonderful powers of science the astronomer can sit in his closet and tell precisely at what moment and at what particular part of the sidereal heavens a comet will appear, which has been absent a thousand years on its pathless pilgrimage through the wilderness of space, and true to the letter of the prophecy, its fiery train flashes upon our vision. But, sir, to foretell what any public improvement about this city will cost, or when it will be finished, not only defies the highest powers of mathematics, but is beyond the utmost range of human conjecture itself.
>
> "When the stars shall fade away, the sun himself
> Grow dim with age, and nature sink in years,"
>
> then, and not till then, may you expect to see one of these government jobs completed and the last deficiency bill passed to pay for it. This language may sound like hyperbole, but show me one single government job around this city that has yet been finished.

IT LEADS TO OTHER JOBS.

On July 8th, 1870, a paving bill was passed, under which the United States was to pay, like other property-holders, for its frontage along the Botanic Garden, the railroad company for 22 feet in the center of the street, the private property for the pavement on its frontage, from curb to area chargeable to the railroad, and the Corporation of Washington, for all intersections of streets and avenues, including the spaces along the park inclosures.

Shortly thereafter Louisiana and Indiana avenues, and Fourteenth street, northwest, for the length of nearly a mile and a half, were ordered to be paved with wood by the retrenching City Councils. Though newspaper proprietors interested in the patents previously selected, worked up public sentiment in favor of these jobs to the best of their ability, still many of the property-holders vigorously protested; and in the case of Louisiana avenue, their protests against the costly experiment were so determined, that as a concession a stone pavement 30 feet in width had to be laid on both sides of the street next to the curb, but a wood pavement was forced upon them in the center of the avenue. The stone pavement still stands with rotten wood borders, as a monument of one of the first tricks of the ring.

THE RING PAVING COMPANY IN CLOVER.

The Pennsylvania avenue pavement, after three months' delay, was given out on October 19th, in four sections, not to the lowest responsible bidders, but to the owners of those patents which were claimed to give the most substantial guarantees for permanency ; all of the aforesaid owners being members of the ring, then in course of formation. The largest two of the four sections at once gravitated to number 908½ Pennsylvania avenue, the headquarters of the Metropolis Paving Company, over A. R. Shepherd's store. The stock of this company had been distributed in large blocks to Hallet Kilbourne, John O. Evans, W. S. Huntington, Lewis Clephane, Sam Young, Shepherd's brother-in-law, and to the proprietors of the *Evening Star* and the *National Republican*, the two principal daily newspapers of Washington. The future glories of the great avenue, when paved with the durable and noiseless wood pavement, were dwelt upon daily by the subsidized editors of the ring organs, and in the meantime the three months' delay in awarding the contract was industriously employed by the ring managers in making their arrangements with the Paving Commission, which consisted of Columbus Delano, Secretary of the Interior, Mayor Emery and General Michler, Commissioner of Public Buildings and Grounds. The season having been wasted in this way Pennsylvania avenue was torn up in the fall and work rushed through in November and December, 1870. On November 1st, eleven days after the award of the contract, a merry company enjoyed an exquisite champagne collation, prepared by Wormley, at an improvised frame building near the sheds where the machinery for sawing the blocks had been set up by the Metropolis Paving Company, and the famous

DR. BUCHU HELMBOLD DROVE UP WITH HIS STYLISH SIX IN HAND

to give his blessing to the enterprise. The ringleaders with wild enthusiasm then and there promised the quack doctor that the opening of wood paved Pennsylvania avenue should be celebrated by a grand carnival and fete on Washington's birthday. The fête was duly celebrated and the unsuspecting citizens contributed liberally to pay the piper, never dreaming that at no very distant day they would look back to the occasion through tears of sorrow, and curse the hour in which they made merry over their enslavement. Meanwhile the session of Congress approached. On November 23d, 1870, the *National Republican*, the mouthpiece of the President and the administration, wound up a double-leaded leader on the subject of—legislation for the District, as follows :

> A few hundred dollars judiciously expended upon terrapins, oysters, champagne and cigars will be " bread cast upon the waters," The experiment worked well last winter, well enough we think to warrant repetition. Instead of an appropriation of a few thousand dollars every year, we should have five or six millions to beautify and improve the National Capital.

WHAT WINE AND WASSAIL ACCOMPLISHED.

Acting upon this advice, ring hospitality was liberally dispensed. There was a grand banquet to the Press of the country at the Metropolitan, another to Congress at the Arlington. The governors of the states and numerous municipal bodies were invited, the crack militia regiments of the Eastern cities were to have competitive exercises on the newly-paved avenue, and representatives of all nations of the earth were to vie with each other in the exhibition of the sports of their native lands. While this surface movement was going on, public attention was skillfully diverted from more momentous underground currents. Senator Hamlin had, on February 25th, 1870, introduced a bill in the Senate :

> To " provide a Territorial Government for the District of Columbia," which was discussed and passed by the Senate May 27th, received by the House May 31st, and referred to the District Committee June 29th, 1870, where it apparently died. But, quite unexpectedly, Mr. Burton C. Cook, of Illinois, the Chairman of the House Committee, reported back a substitute for Mr. Hamlin's bill on January 20th, 1871, and in advocating it said, " There are 131,000 people in this District. * * * The cost of the municipal government in salaries and incidental expenses is $179,000 a year, or one dollar and a half for every man, woman and child in the District. This is the thing which the committee have endeavored to avoid. The proposed government is intended to be a simple, harmonious, economical one, with a conservative element in it which should be the element representing the people of the whole United States."

After a short discussion, all warning voices were unheeded, and this bill was forced through by a vote of 97 against 58. On the same day the Board of Trade of Washington held a meeting, and on motion of Alexander R. Shepherd, adopted the following resolution :

> *Resolved*, That we hail with joy the passage of the bill by the House of Representatives this day, believing that it will be the beginning of a new era in the development of our business interests.

A committee of five, of which Alexander R. Shepherd and Hallet Kilbourne were two, was appointed at this same meeting to urge the Senate to adopt the House bill unaltered.

A SATIRE ON FREE GOVERNMENT.

On February 7th, A. B. Mullett, Supervising Architect of the Treasury, headed a petition which was laid before the Senate by William M. Stewart, of Emma Mine fame, praying that the House bill might be passed without alteration. The Senate having moved for a conference committee, a bill was agreed upon and passed both Houses on February 14th, and approved by President Grant on February 21st, amid the portentious follies of the carnival. The bill was not perfected in open Congress, but was manipulated for four weeks in conference committee. It provided for a complicated form of government—one which in truth was the most magnificent satire on government the world ever saw. A more severe blow at republican institutions was never struck in this or any other country. A Radical Congress repudiated the people's demand and laid them at the mercy of an irresponsible one-man power. All power was concentrated in the hands of the President of the United States, and how he abused that power by filling all the offices with men with whom he and his friends were engaged in speculative ventures, is well known to the country. The Governor of the miniature principality had a staff, exercised veto power, and had a pocket veto, too, granted pardons, and filled all the executive offices of any importance at pleasure. A Secretary was provided and a council which was a caricature on the House of Lords, a Board of Health, and last but not least a Board of Public Works. And to the people was vouchsafed the barren privilege of voting for members of a so-called House of Delegates, and a Delegate in Congress who was without a vote. But even this turned out to be no boon at all, since the Board of Public Works, by holding the rod of discharge over every poor laborer who would not vote according to the dictates of the ring, elected this whole mock Legislature and the Delegate to Congress besides. As a natural result of this one-man power in a republican country, a shameful mockery of legislation was witnessed. There was scarcely a single respectable citizen of the District elected to the House of Delegates. This honor (?) was monopolized by the illiterate and subservient tools of the ring, whose only occupation, besides registering the decrees of the Board of Public Works, was to put through a few bills for contractors, who paid well for the same. They legislated however, with a will, and when they could be tolerated no longer, they wound up their official existence by plundering the hall in which they sat—stealing feather dusters, spittoons and desks—some of which were actually pledged with bar-keepers for whisky bills.

THE RULERS OF THIS RADICAL ISRAEL.

M. G. Emery, the lately elected reform Mayor, a vain man, had been flattered and deluded into the support of the territorial scheme, which ousted him from the office he had just assumed, under the promise of the newly created Govenorship ; but after using him, the ring discarded him. The President had unlimited confidence in Henry D. Cooke, who was in charge of his financial affairs, and through him the ring boldly urged Shepherd's appointment to the Governship. To this the Rev. J. P. Newman, a political parson of the Metropolitan Church, and spiritual adviser at the White House, objected in the interest of Emery, a vestryman of his church. The Rev. Doctor set forth the proofs, pledges made by the ring to Emery, so plainly to the President that he hesitated, and finally the community was surprised by the appointment of H. D. Cooke. Mr. Cooke, besides his connection with the famous firm of Jay Cooke & Co., had some local notoriety on occount of his zeal for Sunday-schools, and his activity as a member of the Young Men's Christian Association, for which last-named institution he evinced his firm attachment, by engineering a heavy loan on worthless second mortgage bonds from the Freedman's Savings Bank, thus robbing the poor freedmen in the name of the Founder of the Christian religion. As orthodox members in good standing in the Radical party, the Cookes could venture upon many things which would have been deemed treasonable in others. In 1867, the following advertisement appeared in the Washington and many Southern newspapers :

TRYING TO GET A CORNER ON C. S. A. BONDS.

CONFEDERATE BONDS WANTED.—First National Bank, Washington, August 29, 1869. We have an order for a moderate amount of 8 per cent. bonds of the C. S. A., and, until filled, will buy all that are offered at the best rates.

WILLIAM S. HUNTINGTON, *Cashier*.

In the columns of the same Washington paper containing the above, could be seen this also :

FIRST NATIONAL BANK OF WASHINGTON.—H. D. Cooke, of Jay Cooke & Co., President ; W. S. Huntington, Cashier ; Government depositary and financial agent of the United States, Fifteenth street, opposite the Treasury Department.

Here in 1867, was the " Government depositary and financial agent of the United States," the bank controlled by the Cookes, openly advertising for and buying up "at the best rates" all the 8 per cent. bonds of the defunct Confederacy in existence. It was then their scheme, as every circumstance shows, to make the Confederate debt a consideration of settlement with the South by Federal assumption—a scheme which was, however, baffled and put at rest by the adoption of the Fourteenth amendment in 1868.

H. D. Cooke, as Governor, was but little more than a figure-head, acting simply as the hand and mouth-piece of Shepherd, enjoying however the luxury of a gaudy uniform and a full staff of militia officers. He believed with his brother Jay that, " A national debt is a national blessing," and the unfortunate people of the District of Columbia have had an ample opportunity to test the truth of this aphorism.

THE BOSS AND THE SUPERVISING ARCHITECT.

Alexander R. Shepherd was appointed a member of the Board of Public Works, which consisted nominally of five members, including the Governor as President *ex-officio.* His associates made him vice-president and executive officer, and with him all the powers of an illy defined government gravitated rapidly to the Board of Public Works, so that imperceptibly the district passed under the control of an irresponsible despotism. The title of the "Boss" bestowed upon Shepherd in this position by the contractors, soon came to be a by-word in the community, and has been universally recognized as an appropriate designation of the man who attempted to run a government, as an overseer does a gang of plantation negroes. Shepherd's colleagues on the board were A. B. Mullett, the late Supervising Architect of the Treasury, who had long had intimate, personal and profitable business relations with Shepherd, in connection with work done and materials supplied for all the public buildings in the United States under the charge of the Treasury Department. Mullett's appointment was a master stroke. One of the most important things to be done was to engineer members of Congress, and in this business Mullett was by universal consent a proficient. Every new building that was built or determined to be built, secured the personal devotion to the ring of from one to half a dozen Congressmen. This was effected in several ways. First, the recommendation of the Supervising Architect for the building of the proposed structure must be had. The member or members from the locality asking for the appropriation courted Mr. Mullett, who could make his own terms. If he asked the favor that they encourage improvement at the National Capital, they could not refuse. Then, again, as a new post office or custom house was to be built, Congressmen might have friends whom they wished to be taken care of by Mr. Mullett, in the way of contracts. Of course, he in his turn could not refuse any reasonable request of this kind. The result was that the member got Mullett's recommendation for the required appropriation, and in turn aided in the grand work of "regenerating, transforming and beautifying the National Capital" by helping the Board of Public Works to large appropriations whenever they needed them.

STUBB MAGRUDER AND HIS BOOK-KEEPING.

James A. Magruder, one of the members of the Board of Public Works, was a man alike devoid of character and credit, but subsequently became famous by a system of book-keeping he invented, which enabled him as treasurer of the Board of Public Works to keep his accounts in inextricable confusion to the great satisfaction of Shepherd, for thereby he was enabled at any time to challenge the inspection of the books, well knowing that they could be made to show figures as they were wanted. The Board of Audit, after nearly two years' labor, has not been able to disentangle Magruder's accounts, and in bringing suit against him to recover money alleged to be still unaccounted for, cannot specify the amount any more definitely than "from $30,000 to $60,000." The criminal suit on the charge of studiously confusing his accounts which was recommended to be brought, has not been instituted, and propably will not, because the limit of time within which it could be brought has nearly expired. The official report of the Board of Audit nevertheless shows (vide Mis. doc. No. 103, part 3, H. R. 44, Cong.), that an amount exceeding $1,000,000, which he claimed to have paid out, had never been entered upon his books, but which he was allowed to account for by producing vouchers not on file among the public records. When it is known that he intermingled his cash with all the various certificates of indebtedness issued by the Board of Public Works, it is easy to understand how he could safely speculate in these depreciated securities with the public money.

ONE OF SECOR ROBESON'S PETS.

S. P. Brown, a defaulting Navy Agent, and a favorite contractor in the Navy Department, completed the list of worthies who made up the Board of Public Works. Brown is a native of Maine, and was placed in the Board by the influence of Senator Hamlin and Speaker Blaine. The choice of the ring was Hallet Kilbourn, and Brown was always looked upon with suspicion, although he was a valuable adjunct on account of his connection with the Speaker of the House of Representatives. He was, however, obliged after a season to retire—being caught with an interest in a contract to supply lumber to contractors, afforded the pretext for his dismissal.

Two-thirds of the "Upper Council" were ring creatures, and the other third nonentities. The President in appointing members of this upper branch of the Legislative Assembly, consulted the wishes of Boss Shepherd, who always had ready access to the Presidential ear, through Gen. Babcock, whom he early entrapped into real estate speculations and jobs of various kinds.

AN UNSAVORY SET OF JOBBERS.

The Board of Health was composed of two quack doctors, one reputable physician, a colored professor of law, and a capable business man. By adroit management these fellows continued to get an annual appropriation from Congress, amounting to about $97,000, and when the Democratic House of Representatives in its general overhauling, turned over the Board of Health, it found two of its members interested in very unsavory jobbery—they being the owners, though not the holders of $10,000 a piece of the stock of an odorless excavating company which had a valuable contract from the Board of Health. The appointments made by Gov. Cooke were really dictated by Shepherd, who was familiar with local politics and knew that it was all-important to make friends of the same men who had proved useful to Mayor Bowen in controlling the negro vote. Thus the very men who had a few months previous been denounced by Shepherd and his ring friends as corrupt jobbers and scoundrels were speedily enlisted under the reform (?) regime. It is sufficient to instance two of Governor Cooke's appointments. He made William A. Cooke, already famous for his latitudinarian interpretation of laws under Mayor Bowen, the legal advisor of the Board of Public Works, and to cap the climax, appointed a very illiterate colored man named Johnson, District Treasurer. Johnson had failed as a barber and as a caterer—a fine preparatory schooling to fit him for the responsible position of custodian of the people's money—but his appointment was a tub to the negro whale.

THE BEGGARS ON HORSEBACK.

In organizing the new territorial government, Shepherd and his ring coadjutors had but little regard for their loud professions of reform and economy which they indulged in while denouncing the old municipal government and advocating a change. They established at the very outset a score of bureaus, with chiefs thereof drawing high salaries. They had chiefs of contracts, of pay rolls, of assessments, of streets, of roads, of sewers, of buildings, of repairs, of materials and of property. They began with promises to do all work for 20 per cent. less than usual prices by confining themselves to cash payments, and before three years had so encumbered first, the city of Washington, then the District of Columbia, then the Board of Public Works itself, with debt, that they all sank together under the accumulated weight, and left the general government to redeem their dishonored illegal securities, which they had issued in every imaginable shape.

As a necessary adjunct to the new form of government, Shepherd had cultivated intimate relations with the Commissioner of Public Buildings and Grounds —an office which was transferred in 1867 from the civil to the military branch of the public service, on the theory that an officer of the regular army would not be likely to involve himself in speculations with outside parties. General N. Michler, who filled the office under assignment of March 3d, 1867, was an honest, upright, genial gentleman, but with one unfortunate weakness, which the ring took advantage of and catered to, until they had well nigh ruined him. His influence was essential to the success of the ring plans. Shepherd wined and dined him, named a row of houses after him, but finding that a more serviceable tool could be procured, he began to intrigue for his displacement, and Michler was quite unexpectedly ordered to the Pacific coast in June, 1871.

SHEPHERD AND BABCOCK—CAPITAL UNLIMITED.

The office was handed over to Orville E. Babcock, who ruled in the Executive Mansion as the President's Private Secretary and conscience keeper, and occupied his leisure moments in working up San Domingo and other jobs. Babcock, a few years before, was the very impersonation of genteel poverty; too poor to rent a whole house for the use of his family, he was compelled in 1868 to form a military mess with the families of other officers for the sake of economy, at a monthly expense of about $55 for each family (see testimony of Gen. Horace Porter in the New York Custom House investigation). Since that time he had received no legacy, nor had any ships of his "returned from the South Sea;" but in a few years after his appointment as Commissioner of Public Buildings and Grounds he became a great real estate speculator, built rows of houses in connection with Shepherd, and grew rich at a time when every outsider lost heavily in real estate operations in Washington. It was, therefore, a fortunate occurrence for the ring that the public grounds were at this auspicious time confided to the care of Babcock, and not placed under the control of the Board of Public Works, since subsequently this dual system enabled Shepherd and Babcock to work in harmony in robbing the Public Treasury, while ostensibly acting as a check on each other.

THE RING STRENGTHENING ITSELF.

Here we have to record another intermezzo. The successful alienation of the undivided government reservation to the Washington Market Company in the spring of 1870, heretofore alluded to, acted as an appetizer, and before long the ring schemers had to throw another sop to Cerberus. Thomas A. Scott and Simon Cameron were on the look-out for a city station for the Baltimore and Potomac Railroad Company and their covetous eyes fell upon the Public Mall, a grand pleasure park stretching from the Capitol grounds to the reservations south of the President's house, and including the grounds about the Smithsonian and the Department of Agriculture. Here, within a stone's throw of Pennsylvania avenue, these railroad kings selected a slice stretching for a distance of eight hundred feet transversely through the Mall, so as to mutilate the beautiful plan of the city, and virtually to cut the splendid walks and drives of the pleasure-grounds into two disconnected parks. In accordance with a pre-arranged programme, a bill was introduced in Congress to confirm the action of the City Council, which, in the very act of death, had presumed to convey this ground to the Railroad Company.

Senator J. W. Patterson, of New Hampshire, who was connected with Shepherd in real estate speculations, in advocating this measure, said :

> The question is simply this, shall the action of the city government be confirmed by Congress ? I have here a line from one of the Board of Works, Mr. Magruder, saying, "The property given to the Potomac Railroad belongs to the city of Washington."
>
> Senator Thurman retorted, What is this bill doing here if the city owns the land ?
>
> Senator Justin S. Morrill added, The city has no more title to this strip of public park then had the Devil when he offered all the kingdoms of the world to the Saviour of the world. This was a very cheap way for the city to manifest its generosity.
>
> Senator Cameron said : To think of confining the city to a little bit of a park. The gentlemen who now ask to have a landing place for their traffic and passengers, have already completed arrangements by which, in two years more, a freight line will start from New Orleans with cotton or any other of the products of the country, and reach the city of New York in fifty-eight hours, carrying freight so cheaply that no water communication can compete with the railroad.
>
> Mr. Chipman, the ring delegate of the District, said in the House, in advocating the same measure, March 22d, 1872, The question was, whether the prospective park west of the Capitol, stretching down toward the Executive Mansion, was of more importance than the commercial interest of the city and District ?

In vain the citizens protested against this threatened mutilation of the public Mall; the arrangements had been made between the railroad kings and the District ring. The action of the City Council was confirmed by Congress, and the alliance between the railroad jobbers and the Board of Public Works was complete.

THE RING LEGISLATURE IN SESSION.

The first Legislative Assembly of the Territorial Government, assembled May 15th, 1871, and Governor Cooke in his message said, that the funded debt of the municipalities of Washington and Georgetown, and of the Levy Court of the county, was about $2,350,000. He estimated the floating debt, accrued and accruing from existing contracts, to be $1,000,000, and urged the appointment of a commission to ascertain and audit the same, and to devise a plan for funding it. He set down the receipts of the Corporation of Washington, from general taxation, at $1,500,000, and claimed that the expenditures of the same, including schools, police, fire department, gas, salaries and interest on the debt, would be $800,000, leaving a surplus of $700,000, applicable to street improvements and the reduction of the debt.

The "Union Club" had been established across the street from the hall where the Legislative Assembly met. There William A. Cooke was hidden in a private room, employed night and day drawing up bills at the dictation of the Board of Public Works, and the Legislative Assembly was simply required to register the decrees of this autocratic body.

On June 16th the House of Delegates called for a plan of improvements deemed necessary by the Board of Public Works, and the estimated cost thereof.

On June 20th, four days afterwards, the Board submitted an elaborate, "comprehensive plan," of improvements, "for every portion of the District of Columbia," accompanied by detailed estimates. Accompanying this comprehensive plan was a statement submitted by the Board of Public Works, from which we extract the following :

> The Board is of the opinion that the interests of the District imperatively require that the necessary appropriations should at once be granted, that operations may be commenced without delay.

THE MILLIONS BEGIN TO FLOW.

Such extraordinary haste excited the suspicion that the greatest possible amount of plundering was to be done in the shortest space of time. The estimated cost of the proposed improvements was $6,578,397, of which one third was held to be assessable on adjoining private property, so that an appropriation of $4,385,598 was asked for; and on July 10th an act was passed authorizing the Government to contract a loan by issuing $4,000,000 of bonds, the whole of which were to be placed under the control of the Board of Public Works, without requiring any of the guarantees usually imposed upon the custodians of public funds.

The remarkable speed which the new government displayed in contracting indebtedness startled the community, and numbers of citizens sued out an injunction restraining the issue of the bonds, in order to test the legality of the law authorizing the $4,000,000 loan ; but the ring was not to be baffled in this way, and at the instance of the Board of Public Works, the Legislative Assembly, without awaiting the action of the courts, passed on August 19th, 1871, another law authorizing a loan of $4,000,000, which was to be submitted to the vote of the people. All the machinery which had been employed under the corrupt Bowen administration to manipulate the impecunious voters of the District was brought into requisition by the Board of Public Works, and a large majority obtained for the proposed loan bill.

FALSE REPRESENTATION.

A prospectus of the loan was published in the leading newspapers of Europe. Its tenor was that this was a loan guarantee by the United States, and contained absurdly false statements, such as the following :

> "Besides the guarantee secured to the creditor by this exceptional position, the state of the finances of the District of Columbia and of the city of Washington is exceedingly favorable, as it was officially ascertained that on the 31st of May, 1871, the entire indebtedness of the city of Washington and Georgetown, and the county of Washington, amounted only to $3,090,492.27, against a taxable real and personal property valued at $190,000,000. Of this $30,000,000 represents taxable property belonging to the United States Government."

This statement was false, for the taxable real and personal property of the District, at the assessment of June 30th, 1872, amounted to only $86,215,327. The United States has no taxable property in the District, and the debt of the District at the date of this prospectus was in reality $4,381,297.37. When Governor Cooke was confronted with these disgraceful deceptions, by which the credit of the District was temporarily inflated, he claimed to have sold the bonds at 94 cents net to the First National Bank of New York, and disclaimed any knowledge of or participation in the negotiations in Europe. It is sufficient to say that the notorious prospectus was published over the signature of Seligman & Stettheimer, and that the Seligmans are the successors of Jay Cooke, McCulloch & Co. as the financial agents of the United States in Europe.

THE JUDICIARY PROSTITUTED.

The temporary injunction on the issue of the first $4,000,000 of bonds was dissolved, the judge who determined the cause having been called to the rescue from his Western home, and given a fine mansion in Georgetown in exchange for a piece of swamp land in Arkansas. Undoubtedly the Ring originally intended to issue the bonds authorized by each separate act of the Legislative Assembly, but they were prohibited by an act of Congress from negotiating more than $4,000,000. The funded debt of the District was limited by the organic act to 5 per centum of the taxable real estate. This the Ring sought to evade, by ignoring the funded debt of the old municipalities; but Congress was forced by the clamors of the citizens to declare, under the Act of May 8th, 1872, that, in the meaning of the organic law, the debts of the old municipalities were to be included; but, inasmuch as the old funded debt and the new $4,000,000 loan would have exceeded the 5 per cent. limitation, this clause was repealed, and the limit of the debt of the District was fixed at the round sum of $10,000,000. On this $4,000,000 Loan Act as a basis, the Board of Public Works reared a colossal debt, which now rests with an oppressive weight upon the people of the District. The means by which this gigantic indebtedness was created were as tortuous as the necessities of desperate men could suggest. The charge of one-third of the cost of improvements on adjoining property, public and private, was legitimate, but the cost of improvements were swelled purposely, in order that the assessment on private property might be increased, and false measurements were resorted to, with the connivance and participation of General Babcock, Commissioner of Public Buildings and Grounds, in order to increase the charges made against property owned by the government. Being unable by all these devices to keep up their sinking credit, the Board of Public Works resorted to the issue of certificates of indebtedness in every imaginable form, thus recklessly increasing the debt of the District in the face of the plain letter of the law. When finally false statements of the financial condition of the District would no longer avail them, the insolent legal proposition was started that the constitutional limitation applied simply to the District proper, and that the Board of Public Works was an independent corporation, with the power to create a debt without limit.

ARRANGING SCHEMES OF PLUNDER.

While the District government was arranging this plan and preparing for its career of jobbery, affiliated Ring speculators were devising various schemes of plunder. Chief among these was the formation of the Real Estate Pool, with two branches acting conjointly and separately as the interests of the master spirits required. As a tender to this, a contract pool was made which was designed to monopolize all the high-priced paving jobs. Hallet Kilbourne was chosen as the middleman of one branch of the Real Estate Pool, while his partner, James M. Latta, acted for the other. Kilbourne had in his combination five parties, one being a Judge of the Supreme Court of the District, and two others being Members of Congress, while the remaining two are unknown to the present day. Senator William M. Stewart, of Navada, and two Pacific Coast speculators were the principal parties interested with Latta in the second branch of the Real Estate Pool. John O. Evans and Lewis Clephane, the former an unscrupulous contractor, and the latter a trustee of the Freedman's Savings Bank, deep in all the rascalities by which the poor freedman were robbed, stood as godfathers for most of the operations of the contract pool. Kilbourne, a sharp unscrupulous fellow, who had formerly been the chief clerk in the Interior Department, was set up in the real estate business by William S. Huntington, cashier of the First National Bank. He had probably been useful to Huntington in his official capacity, and was brought out of obscurity by this shrewd and enterprising gentleman, who doubtless designed to use him in a more enlarged field of operations. Kilbourne is a clever talker, earnest and impressive, capable of setting forth a speculative venture in its most attractive form. When the Ring was fairly organized, the part assigned him to play was

TO ENTICE CONGRESSMEN, JUDGES AND INFLUENTIAL FEDERAL OFFICE-HOLDERS

to invest in the Real Estate Pool, and to lend their influence to secure from Congress such legislation as the Board of Public Works desired. One of the objects which Huntington had in establishing him in the real estate business was to have an unscrupulous man who might be used to appraise property on which it was desired to procure loans from the Freedman's Bank. Henry D. Cooke, Huntington and Lewis Clephane, constituted the majority of the Finance Committee of that concern, and virtually controlled the accumulated deposits, amounting to over $4,000,000, which had been collected from the poor freedmen of the South.

Kilbourne's duty, as appraiser of the Freedman's Bank, was to act as a go-between for the Cookes and Huntington, and parties who desired to effect loans on their real estate. If Cooke or Huntington was applied to for a loan of the freedmen's money on real estate, or other securities, the applicant was politely referred to Kilbourne, just as subsequently if any one wanted a contract he was sent to the same source. In this way Kilbourne got a fee for appraising property for the Freedman's Bank, and another of 2½ per cent. for negotiating the loan. In a short time, from comparative poverty he rose to affluence, and discarding the modest tenement house in which he had lived for many years, built himself a palatial mansion close to the palace of Boss Shepherd, and blossomed out into a leader of the shoddy fashion of the national capital.

A USEFUL JACK-OF-ALL-TRADES.

Lewis Clephane, a fussy, lean little man with sharp features, fair complexion, and weasel eyes, protected by gold spectacles, had figured about Washington as a Jack-of-all-trades for twenty years or more, without making a reputation, or accumulating a fortune. He began his career in the office of Doctor Bailey's *National Era*, an anti-slavery weekly, where he made himself generally useful in the dual capacity of clerk and solicitor of advertising. From his connection with this paper he obtained a bowing acquaintance with the anti-slavêry magnates of the olden time. This slender acquaintance served him as his political and religious stock in trade, when the Republican Party came into power. He was made city postmaster, and afterwards collector of internal revenue by Mr. Lincoln. Neither of these offices afforded scope for his genius, which was especially adapted to jobbery. As Vice-president and member of the Finance Committee of the Freedman's Savings Bank, Clephane had important functions to perform for the Ring. The Metropolis Paving Company, Lewis Clephane, president, and the Scharf Concrete Paving Company, John O. Evans, president, while struggling for recognition at the hands of a skeptic community, had to be sustained by loans advanced on their as yet worthless stock from the ever convenient savings of the poor freedmen. These two worthies, the presidents of the two principal Ring paving companies soon proved themselves to be adepts in Bill Kemble's art of "addition, division and silence."

THE BOSS'S "SQUAREST CONTRACTOR."

Evans was a keen, shrewd, close-mouthed operator, who kept aloof from politics, and unlike other members of the Ring, eschewed fashionable life. These qualities fitted him admirably for the part which he was at a later date to play as the representative of the Shepherd-Babcock-White-House Ring, which fattened exclusively on government pap by means of extortionate prices for work done on, in front of, and through government reservations, the measurement of which was confided to Babcock, and the bills certified to by him and paid by Shepherd out of the appropriations made by Congress. The confidence placed in Evans is shown by the following testimony of Shepherd before the Joint Investigating Committee:

> I can say this much for Mr. John O. Evans, that he is one of the best business men I ever knew, and as a contractor, he is one of the squarest and most upright men I ever met; that the work done by him is unsurpassed by that done by any other person in this city. There never has been any difficulty with him in getting him to make his work right (page 1936, District Investigation.)

Of course it is not to be expected that men of a low standard of morality would deal with each other honestly except when compelled so to do by the cohesive power of public plunder. Huntington died in 1872, and his Ring associates, true to their real natures, undertook to defraud his widow of the proportion of spoils justly due her. Determined to bring her husband's unscrupulous partners to terms, Mrs. Huntington gave publicity to the following letter, which was written by Hallet Kilbourne to Huntington :

A VERY SUGGESTIVE LETTER.

GILSEY HOUSE, NEW YORK,
CORNER BROADWAY AND TWENTY-NINTH STREETS,
BRESLIN, GARDNER & CO., Proprietors,
New York, Friday, August 25, 1871.

My Dear General : Evans, Clephane and myself left Washington last night to visit Philadelphia and this place, and " gobble up " all the asphalt or concrete pavements we can. In Philadelphia, to-day, we secured Filbert's vulcanite pavement, which is being used quite extensively in the park, and has the very best recommendations. We shall close up the business to-morrow in black and white. We bought a steam-roller to-day from an English agent, who orders it from Liverpool by cable to-night. It costs, delivered, about $5,200. *We shall secure another stone-breaker and a lot of asphalt to-morrow.* The Board of Public Works have advertised for proposals for paving, to be opened next Friday, the 1st instant. We propose to be prepared for them. We had to make a small Ring of about seven persons in order to accomplish results. In this Ring we had to put all the concretes. Evans, Clephane, yourself, Kelley, Kidwell, and myself comprise six of the " Ring." We shall put it in the best shape possible. We shall try and control the entire lot of asphalt pavements. We will go home Sunday evening and get all things in readiness for 1st of September.

H. D. C. tells me to draw on him for $25,000 cash for Real Estate Pool.

Hope you will make a special effort in Junction Railroad bonds.

I judge from your telegram to Frank from St. Petersburgh that you will hardly get the Perkins claim through in time to return on steamer of 16th September; hope, however, you will, as it is devilish lonesome and quiet here during your absence.

Let me hear from you. Truly yours, HALLET K.

THEY COME DOWN WITH THE CASH.

The publication of this letter was notice to the mean scoundrels who would have defrauded the widow that unless they came down with the cash there was more ammunition in the same magazine which would be exploded at the proper time, and accordingly they settled. As to the bearing of the above letter on the Real Estate Pool it was proved and admitted, before the Joint Investigating Committee of the Forty-third Congress, that H. D. C. stood for Henry D. Cooke, the governor of the District, who subsequently claimed that he had put up the $25,000 for the firm of Jay Cooke & Co. ; and, still later, Kilbourne & Latta, acting for the Real Estate Pool, to prevent further exposures, compromised with the trustee of Jay Cooke & Co.'s creditors by the payment of $40,000 in cash. It was also admitted that besides the $25,000 advanced by H. D. Cooke, five other parties put up $5,000 apiece, making a pool of $50,000 for the Kilbourne branch of the Real Estate Pool.

Upon the trifling capital of $50,000 this Real Estate Pool accomplished wonders by virtually making the millions spent for improvements a part of their working capital and by commanding the credit of the then solvent house of Jay Cooke & Co.

A DEVICE OF THE RING.

On June 20th, 1871, two months before Kilbourne's letter to Huntington above given was written, the Board of Public Works sent the schedule and estimates of the improvements contemplated under their "comprehensive plan" to the District Legislature. These documents, as subsequent events have demonstrated, were framed for the purpose of deceiving the public, as well as contractors not in the Ring. They contain the official declaration that—

> The board is satisfied, upon careful consideration, that as a rule the value of property in the District will not warrant the general introduction of wood or other expensive pavements, and, if at all used, it should be confined to a few of the principal avenues of communication.

The estimates included but 231,000 square yards of wood pavement, at prices ranging from $2 to $4 per yard, while no concretes were estimated for. There are now fully 2,000,000 square yards of these expensive and altogether worthless pavements in this city. John O. Evans, Kilbourne, and their associates were so well informed of the real intentions of the Board of Public Works, and so sure of gobbling up "all the concretes," that they imported a steam roller, expensive stone breakers, and other machinery, costing over $30,000, and purchased "a lot of asphalt" one week before any bids were opened. This false declaration of the Board of Public Works also enabled them to "gobble up" the right to use in the District, on very favorable terms, the most profitable patents for wood and concrete pavements. Thus the Contractors' Ring was made ready for the carnival of plunder.

The northwestern and the northeastern sections of the city slope from the boundary down to North L and G streets, and were then vast tracts of unimproved land, with

LARGE AREAS COVERED WITH WATER

during a portion of the year. The first named locality was selected as the theater of the Real Estate Pool's operations. Such streets in both of these quarters as were enumerated in the board's communication to the District Legislature for improvement were specified for graveling, with here and there some macadamizing.

Speculation in real estate based upon information open to all of course was legitimate. But while the specifications were, so far as the northeastern section was concerned, adhered to in the limited amount of work done there, the pool district was paved with the most expensive wood and concrete pavements. The avenues and streets were extended through this section and graded, paved, parked and bordered with shade trees, the reservations laid out and improved in the most extravagant manner, while over the vast expanse there were dotted, at long distances apart, only a few scores of dwelling houses. This locality is traversed in every direction by avenues, and the general government, by the shrewd manipulations of the Committees on Appropriations in the Senate and House, has been made to pay five-sixths of the cost of improving these, while two-thirds of the cost of the streets, by the organic act of 1871, was chargeable to the general fund of the District. Thus it will be seen that but a very small portion of the vast expenditures which have been lavished on the pool property came out of the pockets of the speculators who profited thereby.

ADDITION, DIVISION AND SILENCE.

The change in the plan which was sent to the Legislature was kept secret for a whole year. The contracts which were let during that period covered the central section of the city and a few main lines of travel into the country, and thus the public was led to believe that the published programme was to be carried out in good faith. The first contract of any magnitude for work to be done in the northwestern section was let August 6th, 1872, to Chas. E. Evans & Co., for $296,375 worth of concrete pavements to be laid on Connecticut and Massachusetts avenues, Eighteenth, L and other streets. The interval between the publication of the false estimates and this denouement of the plot gave the conspirators ample time to buy up for a song the property they had in view, and when questioned by the investigating committee, Kilbourne could insolently reply, "We had faith."

The amount of cash capital with which this huge speculation was started seems insignificant, but all the purchases were made for small cash payments, notes running a long time being given for the balance, and secured by deeds of trust. The pool relied on the great profits which they expected to make from sales to meet these notes as they fell due. They expected outsiders to be inspired with "faith" as soon as the public became aware of the extent of the improvements to be made in the pool district. The following transactions show that these expectations were speedily realized:

RING PROFITS.

September 23, 1871, Hallet Kilbourne, trustee, bought of W. W. Rapley 140,406 square feet of ground in square 203 for $21,525, of which $15,000 remained at 6 per cent. interest, secured by deed of trust. The same lots were sold March 22, 1873, to Charles Payson, for $35,785, subject to the deed of trust for $15,000, or in toto for $50,875. This transaction may be summarized as follows:

Outlay of Real Estate Pool; cash paid September, 1871	$6,525 00
Interest on cost and incumbrance for eighteen months	1,291 50
Taxes for one year on assessed value of $19,888	400 00
Total cash outlay	$8,216 50

On this expenditure of $8,216.50 they received within eighteen months $35,875, a net profit of $27,658 cash, which is equal to a return of $436 for an investment of $100.

Another illustration. Lot 4 in square 157 was bought September 27, 1871, and sold May 3, 1873. The expenses, calculated as above, foot up about $3,162 cash, and a net profit of $5,443 was realized thereon. In this instance an outlay of $100 brought back $272.

These sales were made at a time when the pool wanted money to meet deferred payments on other property. The major portion of their purchases were made, however, at twenty-five or thirty cents per square foot, and all this property is now held at from $1.50 to $2 per foot.

The dates of these transactions show that while the Board of Public Works misled outside capitalists by false official statements, Henry D. Cooke, the Governor of the District and *ex officio* President of the Board of Public Works, prostituted his official position by entering into a conspiracy to deceive the public, and, by

SPECULATING ON INFORMATION

known to him only as a sworn officer, thereby enriched himself and his confederates. He furnished one half the capital of this cash pool; and had not bankruptcy overtaken his firm, the secrets of this conspiracy would in all probability have been unknown to-day.

The other branch of the Real Estate Pool which was ostensibly headed by William M. Stewart, and for which Latta, Kilbourne's partner acted as trustee, undoubtedly acted in harmony with the Kilbourne-Cooke branch.

Curtis J. Hillyer and Thomas Sunderland, two Pacific coast speculators, were associated at different dates—the former in May, 1871, and the latter about May, 1872—with Stewart. The operations of Stewart in mining stocks had so crippled him that in December, 1872, he was compelled to retire from the Real Estate Pool; but he received a bonus of $18,000 for his interest in the profits to be realized. Hillyer and Sunderland remained, and Latta conducted all their operations as trustee in the same secret manner which Kilbourne originated for his co-conspirators.

All the best tracts of land held by the trustees could be sold by them in fee simple or mortgaged without the interference of the parties for whom they were acting, as will appear by the following, which formed the habendum clause in every deed by which property was conveyed to them:

> "To have and to hold the same pieces or parcels of grounds, premises, and appurtenances unto and to the use of the said party of the second part, his heirs and assigns in and upon the trusts, and for the purposes particularly set forth in a printed paper bearing even date with these presents, and signed by the said party of the second part with full power, however, in the said party of the second part to sell and convey said property in fee simple, or by way of mortgage, or deed of trust, to secure payment of money at such time and place, or such sums of money, upon such terms and in such manner as in his judgment may be proper, without any liability on the part of the pur

chaser or mortgagor to see to the application of the purchase money, or money advanced on mortgage or deed of trust as aforesaid."

The "printed paper" referred to in the above quoted habendum clause was a skillfully drawn instrument of concealment. The following is a copy of the form used by the Kilbourne branch of the pool:

THE INSTRUMENT OF CONCEALMENT.

"*Whereas*, The following real estate in the city of Washington. District of Columbia, has, by the parties hereinafter named, and by deeds bearing dates as stated (property described by squares and lots), been conveyed to me in fee simple;

"To have and to hold the same upon trusts and for the purposes set forth in this paper signed and sealed by me, bearing even date with the said deeds. And whereas, the cash payment of the purchase money for said property and other was advanced by the following named persons, in respective sums set opposite their names, to wit:

Jay Cooke & Co	$25.000 00
Five other parties, each $5,000.	25,000 00
Total	$50.000 00

And Whereas, Promissory notes for the deferred payment of the said purchase money have been given for the said parties respectively as follows: Jay Cooke & Co., one-half; five other parties, each one-tenth.

Now, therefore, this is to declare that I hold said real estate in trust, to be held, managed and sold for the above-named parties in fee simple as tenants in common; the interest of said parties in said real estate being in proportion to the sums paid by them respectively. It being understood that upon the failure of any of the said parties to pay their proportion of said notes or interests or taxes, as the same become due (first having been notified of the amount required and time of payment), then the same may be paid by the remaining parties in interest and, at their option, refund to such delinquent party or parties the sum of money previously advanced without interest, and such delinquent's interest in said property shall revert to the remaining parties in proportion to amounts severally advanced by them to make good said delinquent's interest.

Given under my hand and seal this 2d day of October, A. D., 1872.

(Signed) HALLET KILBOURNE, Trustee. [L. S.]

We acknowledge the above statement to be correct, and agree to the same.

(Signed) JAY COOKE & CO.,
And by five others.

TRYING TO DEFRAUD CREDITORS.

On September 18, 1873, Jay Cooke & Co. failed, and six days later the conspirators interested in the Real Estate Pool, with the assistance of the members of the firm of Jay Cooke & Co., undertook to defraud the creditors of that concern by availing themselves of the clause in the "printed paper" to call in an assessment. This, of course, Henry D. Cooke declared himself unable to pay, in order that there might be an opportunity to forfeit his interest and thus prevent the affairs of the pool from being overhauled in the bankruptcy proceedings. In consequence of this action of the Ring a suit was entered in 1875 by the trustee of Jay Cooke & Co.'s creditors to compel Kilbourne & Latta, as the trustees of the Real Estate Pool, to state an account. This frightened all the men who were interested in the pool, and pressure was brought to bear on Mr. Lewis, the trustee of Cooke's creditors, who finally compromised the matter on the payment of $40,000 by Kilbourne & Latta—a sum altogether inadequate, since the profits of the Ring, as has already been shown, were very much larger.

The intimate connection of the two branches of the Real Estate Pool is evidenced by a transaction recorded October 2, 1872, when James M. Latta, the trustee of the Pacific coast pool, conveyed 273,000 square feet of valuable ground in the northwestern section, on which, according to the records, cash payments to the amount of nearly $50,000 had been made to Hallet Kilbourne, trustee of the Cooke pool, for a consideration of one dollar! Latta, when examined before the joint select committee in 1874, in vain attempted to explain this transaction, but the most he claimed was that he had received from Jay Cooke & Co.'s bank about $6,000 on the order of Kilbourne to make the purchase. On the other side, Kilbourne, trustee, conveyed in May, 1872, square 156, for which his pool had paid $13,748 cash, and gave a deed of trust for $52,000 (total $65,748), to James M. Latta, trustee, for $90,429, subject to the above-mentioned deed of trust, making a total of $143,177.

TO MISLEAD FUTURE CUSTOMERS,

and settle with their secret allies, numerous bogus transactions were put on record. For instance, Stewart and Hillyer purchased in June, 1871, squares 66 and 93 for $64,700. After Hillyer bought out Stewart he kept a piece of land from the above, which was proportionately worth $6,500, and conveyed the rest in March, 1873, for a consideration of $125,000, subject to a deed of trust for $51,700, to James M. Latta as trustee.

The titles to the rest of the pool purchases oscillated between the three members of the firm of Kilbourne & Latta (John F. Olmstead being the third member), as the necessities of covering their transactions seemed to dictate. The aggregate purchases of the two pools from July, 1871, to July, 1873, were 2,456,046 square feet of ground, for which they paid $704,267.30—about one-fourth in cash and the balance in long notes. This shows an average of about 29 cents per foot. There were in 1873 *bona fide* sales of pool property recorded, amounting to 307,614 square feet, yielding over $217,000, or an average of nearly 70 cents per foot, and 75,223 square feet were withdrawn as sites for the palaces of Messrs. Stewart and Hillyer. At this date there are 2,063,219 square feet standing in the names of Kilbourne, Latta and Olmstead, trustees, which, at the prices asked, aggregate fully $2,500,000. They are assessed, however, even now under the revised assessment at only $617,253, or 29¾ cents per foot, which simply represents the cost price of the ground when it was unimproved and some of it under water.

THE PEOPLE HAVE TO FOOT THE BILLS.

The improvements in this pool district, which were paid for out of the United States treasury, and from the general fund of the District, aggregate fully $4,000,000. The profits on these Ring transactions must amount to fully $1,500,000; but, notwithstanding this fact, Kilbourn avers that of the 2,000,000 square feet held by himself and Latta and Olmstead, only 257,123 square feet belong to the Cooke pool, and proposed to settle with the trustees of Cooke's creditors for $40,000, and this proposition was accepted.

Besides the direct pool operations, the most trusted friends of the Ring in and out of Congress speculated largely in property situated in the pool district on their own account, in addition to their secret interests in the pool connections.

HOW SOME ROGUES WERE PAID.

Secor Robeson, in the name of Augustus S. Campbell of Chicago, bought in May, 1872, square 193, containing 155,526 square feet for $79,841, subject to the payment of a heavy mortgage. Part of this square he has since exchanged for Little Emma Stewart's old brown stone house fronting on the Fourteenth street circle.

Secor Robeson's bosom friend, A. G. Cattell, bought in August, 1871, about 35,000 square feet of ground in square 195 for $23,000. He was Boss Shepherd's first choice for District Commissioner, but failing to get him, Ketchum was taken as second best.

Stewart's pal in the Little Emma Mine swindle, Robert C. Schenck, bought in April, 1871, square 135, containing 35,918 square feet. This is adjacent to Stewart's new mansion.

E. C. Ingersoll, ex-member of Congress from Illinois, formerly Chairman of the District of Columbia Committee of the House, and now a notorious lobbyist and dabbler in street contracts, bought in the spring of 1873 square 137, containing 163,440 square feet, for $80,000, subject to a heavy mortgage. This thriving statesman owns besides over 20,000 square feet in smaller parcels throughout the pool district.

Ex-Senator Joshua Hill, of Georgia, owns square 137, containing 83,780 square feet.

Ex-Attorney-General Williams purchased the larger portion of square 159, and has advantageously disposed of the greater part of it.

John O. Evans, the Boss's "squarest contractor," owns square 190, containing 159,264 square feet, besides numerous parcels, and has lots in various parts of the pool district.

Ex-Senator Patterson speculated largely in connection with Boss Shepherd in property situated in the pool district, but this is now in the name of either Kilbourne or Latta, trustees, perhaps to cover up interests which the honorable gentlemen do not desire the public to know about.

These facts make it clear that the Real Estate Pool was designed not only to enrich the master spirits of the District Ring proper, but also to afford a means of securing the assistance of influential Federal officeholders and Congressmen, and a perfectly safe way of paying these corrupt men for their services.

A FEW SPECIMEN FRAUDS.

The first step taken by the Board of Public Works after their induction into office presaged dire results. To the suspicion of corruption and jobbery which attached to the Board of Public Works, were added grave doubts of their competency for the performance of the work confided to them. We adduce a few instances. On July 15th, 1870, Congress appropriated at the instance of the speculators we have outlined above, $50,000, "for the purpose of dredging, narrowing or arching over the city canal," under the supervision of the Board of Commissioners, of which General M. Michler, then Commissioner of Public Buildings and Grounds, was the expert member, on condition that the city of Washington should raise by taxation $100,000 for the same purpose. In November, 1870, these commissioners, Hallet Kilbourne being one, entered into a contract with John O. Evans, under the firm name of Teemyer & Co., "to dredge, clean out and narrow," according to General Michler's plans and specifications. Before any work was done on this contract the same unscrupulous operators procured a clause to be inserted in the appropriation act, approved April 20, 1871, by which all the powers of the Canal Commissioners were transferred to the Board of Public Works, so that the board, with A. B. Mullett as its Civil Engineer, became responsible for this work. First, under pretence of narrowing the canal, worthless walls were built upon shaky pile foundations, which soon gave way. To hide this jobbery, the Board of Public Works decided to fill up the canal, but before this decision was made the $50,000 appropriated by Congress had been squandered, and in addition, as is admitted by Shepherd in his report, dated February 28, 1874, to the Joint Investigating Committee, $109,221.61, making a total of $159,221.61 actually thrown into the old canal. Then for filling the canal, favorite contractors were paid in addition to the regular price allowed for grading on the streets in August, 1872, and January, 1873, upon measurements made by Babcock, $122,216.80. And again in January and August, 1873, another sum of $213,550.70 was paid for arching (or making a sewer of) this same canal. And further still, Babcock diverted additional sums for grading reservation No. 2, to pay for filling the canal. This same imbecile policy of doing and undoing this work has been, and is being continued up to the present day by means of bonds and cash derived from District sources at a total cost so far of about $600,000.

THE TWEED RING OUTDONE.

North Capitol street was put under contract by the old corporation to be paved and improved with a park laid out in the center of the street: the Board of Public Works continued this contract and finished the street at a cost of $66,245.11; but while the contractor was still at work under the contract let by the old corporation, another having a contract from the Board of Public Works followed, tearing up the work just finished. The object of this last improvement (?) of North Capitol street was to make property which had been purchased by Shepherd, A. R. Corbin—Grant's brother-in-law—Huntington and others more valuable, by diverting a natural water course which ran through it to the center of the above named street.

In November, 1871, before the special election took place on the second $4,000,000 loan bill, various streets and roads were in process of improvement. Among others, the Seventh street road, a country thoroughfare nearly three miles in length, and leading to Shepherd's country seat, was included in the schedule of the so-called "Comprehensive Plan of Improvements" authorized by the Legislative Assembly. The work to be done on this road was estimated, under the head of "repairs," at $2,500. Subsequently Shepherd claimed before a committee of Congress that this was a typographical error, and that the figures should have been $25,000, and that the repairs were to consist of a new macadamizing of the whole road. The footings of the figures in the columns of which the estimated cost of the various improvements were carried out, branded this sworn statement of Shepherd's as a deliberate falsehood, but still the Committee accepted it as a truth, and it was three years before the entire cost of improving the Seventh street road was discovered. The official figures submitted to Congress in the spring of 1875 show that the enormous sum of $200,239.39 were squandered on this imperfectly constructed road. It cost $70,000 per mile—more than is required to build and equip a railroad the same distance. The direct expenses of registration, advertising, &c., for the two elections in 1871, exceeded $100,000.

LETTING CONTRACTS AND FIXING PRICES.

On August 21st and 25th, 1871, bids were invited for laying wood, tar, Macadam and Belgian pavements, for curbs, sewers, &c., on certain specified streets. The bidders were required to deposit with the Collector of the District $1,000 on each item bid for, as a guarantee that they would conform with any award made. On September 13th Shepherd moved in the Board meeting, that the Collector report the amount of the guarantee fund then received, from whom, and at what date. In this way it was found that responsible contractors outside the Ring had made *bona fide* bids. Thereupon all bids received were rejected, notwithstanding the plighted faith of the government to award the contracts to the lowest responsible bidder. All the profitable work was then arbitrarily awarded to favorite contractors, at prices established by the Board, which were arrived at by averaging the bids of contractors who were decided by the Board to be responsible. To keep up appearances, outsiders got small contracts for less desirable work at less remunerative rates. Simultaneously it was determined to establish a Property Bureau under the philanthropic pretext of aiding contractors having limited capital. The real object of this system was to enable the ring jobbers to get the benefit of the wide margin between nominal or card prices and the heavy discounts allowed to wholesale customers. By these bold moves, successfully carried out, the ball opened and the jobbing began in real earnest.

In October, 1871, the great Chicago fire occurred, and Governor Cooke called an extra session of the Legislative Assembly for the exclusive purpose of voting $100,000 for the relief of the suffering people of that afflicted city. The issue of five-year bonds was accordingly authorized and negotiated, but it took more than a year's begging to get $67,500 into the hands of the Relief Committee ; the balance was swallowed up by commissions and otherwise absorbed.

A WHITEWASHING INVESTIGATION.

By December, 1871, the opposition to the Board of Public Works, on the part of the citizens, had assumed formidable proportions. Petitions signed by great numbers were presented to the House of Representatives demanding an investigation. After much opposition on the part of the Ring, the House, on January 22, 1872, directed the Committee on the District of Columbia to investigate the Board of Public Works. The Republican majority of the Committee threw every obstacle in the way of the citizens who were prosecuting the inquiry. Witnesses were bullied, badgered and browbeaten by attorneys employed by Shepherd to conduct the defense of the Board of Public Works. But notwithstanding all this opposition, the most damaging revelations of Ring rascalities were made. The Republican majority, however, undertook to vindicate the Board of Public Works. We quote extracts from their report as follows:

> The Committee find great cause of commendation for the energy, liberality and generous desire to improve and beautify the National Capital. * * They also find the ordinary and usual errors attendant upon the establishment of a new system of government; there was inexperience on the part of the many. * * There was a lack of careful and cool legislation. * * The new authorities became somewhat intoxicated with the spirit of the movement; * * more work was undertaken at once than was wise. The District authorities at the outset were not sufficiently mindful of the small extent of their official jurisdiction and the slender consistency on which all the public burdens were to rest, and therefore sufficient care was not taken to have rigid economy prevail in every department. These errors were such as time and experience would soon demonstrate, and the Committee find that many of these expenditures have already been curtailed, and a more stringent economy now prevails in the conduct of those public officers. * * The defects in some of the pavements resulted from the great haste during bad weather. It does not appear in any case that the contractors intentionally laid inferior pavements. All defects are to be remedied by the contractors, who are bound by contract and by bond in every case to keep the pavement in good repair for three years. * Concrete and wooden pavements are somewhat experimental. Time alone can determine the wisdom of their adoption.
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> In concluding their report the Committee extol the governor and the members of the Board of Public Works for "the zeal, energy and wisdom with which they have started the District upon a new career of improvement and prosperity."

A letter of Governor Cooke, dated February 7, 1872, was published with the report, in which he reiterated former pledges by saying, "the $4,000,000 authorized by the first act of the Legislature are all that is deemed necessary to carry out and perfect the general plan of improvement adopted by the Board of Public Works and the Legislature."

AN HONEST MINORITY TELL THE TRUTH.

The minority of the committee, Messrs. Roosevelt and Crebs, in a dissenting report boldly exposed the attempt of the majority to palliate the glaring frauds committed by the Ring, and foretold the bankruptcy impending over the District. They pointed out the fact that the local press of the District had been subsidized by the Ring; that during the few month's existence of the territorial government $143,635.62 had been paid to a few newspapers with a limited circulation for advertising. They denounced the excuse which the governor and Board of Public Works had put forward for his reckless and profligate expenditure of the public money, which was that by this means the newspapers had been brought to support the $4,000,000 loan bill, and had by their advocacy of the measures of the new government created a favorable sentiment on the part of the people, and thereby brought up the credit of the District in the markets of the world. In concluding their report the minority say, "that the powers assumed and exercised by the Board of Public Works are dangerous to the best interest of the District and the reckless extravagance of all departments of the District government ought to be checked." But the warning voice of the honest men who composed the minority of this committee was not heeded by the administration or by Congress. They were maligned and vilified by the subsidized Ring organs of the District. On the other hand the Board of Public Works accepted the invitation tendered it by the House of Representatives, not only as an indorsement of all their past acts, but as a broad license to do in the future whatever their sweet will might dictate.

THE RING CAPTURE GARFIELD.

It was necessary, in order to accomplish the design of the ring, in obtaining enormous appropriations from Congress to pay for these improvements about imaginary reservations, that it should have serviceable friends on the Committee of Appropriations. James A. Garfield was chairman of that committee. In the spring of 1872 a needy adventurer named Chittenden came to Washington as the agent of De Golyer & McClellan, a firm of Chicago contractors, who wanted a contract to lay a patent wood pavement. He made his first overtures to W. S. Huntington, but death interfered. A decayed parson, the Rev. Wm. Colvin Brown, introduced Chittenden to Henry D. Cooke. Richard C. Parsons, Marshal of the Supreme Court, and who had converted that respectable office into a headquarters for the lobby, where venal schemes were canvassed and concocted, was the intimate friend of Gen. Garfield, and was employed by Chittenden to secure his influence. H. D. Cooke, the Governor of the District and member of the firm of Jay Cooke & Co., had been the medium through whom the delicate negotiations were made by which the empty pockets of honorable patriots in Congress were stuffed with Northern Pacific bonds and other "securities," the value of which depended upon legislation. Cooke and Parsons were intimate friends. Shepherd was President of the Board of Public Works. Cooke consenting, a word from Shepherd put millions into the contractor's pockets. Parsons was examined before the Joint Investigating Committee of the Forty-third Congress in relation to his employment by Chittenden and the services he rendered.

DICK PARSON'S TESTIMONY.

In the spring of 1872 (I think in April). I was retained by Mr. Chittenden. as a lawyer, on behalf of the firm of De Golyer & McClellan, of Chicago, to argue before the Board of Public Works at Washington the question of the superiority of their patent for cured wood pavement. * * * * At the time I was retained in this case I scarcely knew Shepherd by sight. * * * * With Cooke, who was an old and intimate friend, I never spoke but once, to my recollection, on the subject. * * * * With the other members of the Board I had no acquaintance, and never to my knowledge spoke to one of them.

I was called home to Cleveland by matters of a pressing private nature, and feeling great solicitude as to the result of my labors, and of course of securing my fees, I called upon Gen. Garfield and gave him a history of the case as it then stood, and asked him, as Congress would adjourn in a few days, if he would act for me in my absence, and give the subject a careful investigation. He at first declined on the ground of pressing business, but finally assented to have me send the model, books, papers, &c., to his house for examination. After a day or two I called upon him and he said he would prepare an opinion as to the merits of the patent and attend to the case for me. I said to him I had a fee in the case of importance to me, and would be glad to share it with him. The same day, or day after, I left for Cleveland, and when I received my fee some considerable time after from my clients at Chicago. I deposited Gen. Garfield's to his credit in bank. and so wrote him.

Q. Do you know a Mr. Brown in connection with this De Golyer and McClellan matter? A. I do; Mr. Brown was the brother of Mr. Thomas Brown, who was for some time acting as Assistant Secretary of the Treasury. He was six years consul at Hamburg. He was an Episcopal clergyman.

Q. The reason I inquire is this: Mr. Cook, the book-keeper of De Golyer and McClellan. stated that a Mr. Brown had received $10,000? A. So I afterward heard, but I know nothing of it and I have no personal knowledge.

Q. Have you any objection to stating the amount received by you? A. Not at all, sir.

Q. State the amount received? A. I received from Mr. Chittenden at the time I was retained, or within a few days afterward, I think, his check for $5,000, with the understanding that if an award was made covering the amount of his contract that I should recover a contingent fee of $10,000, which some time afterward was sent to me from Chicago. The total amount received by me was $15,000. * * * * *

Q. When was Gen. Garfield retained? A. He was retained by me afterwards, as I stated to the Committee, to prepare an argument to present to the Board upon the superiority of the patent and the fact that it was the best pavement.

Q. Was your argument on the legal question? A. No, sir; there was no dispute as to the patent, but there was an important question as to which, of all the patents presented, was the best one. My argument related entirely—absolutely covering the ground of the patent, and of all patents before the board; it was claimed that this patent had a peculiar virtue in curing the wood.

THE TESTIMONY OF MCCLELLAN AND COOK.

Robert McClellan, one of the contractors, testified as to what they understood they were paying Parsons and others for.

Q. Now when Mr. Chittenden came to Chicago,—I want you to state now, as nearly as you can what he said to you with reference to furnishing money? I would be glad to have you now, in a connected form, state the conversation between you and Mr. Chittenden on that subject A. When Mr. Chittenden came to Chicago, he said he wanted $100,000, but that he had arranged so that he could get along with $97,000. I asked him what he wanted with $97,000. He said he wanted to pay his expenses and part of the national debt.

J. S. Cooke, the attorney and business man of De Golyer & McClellan, through whose hands the accounts passed, testified as follows:

My transit account showed a disbursement of $97,000 as follows: "May 20 Col. P.," meaning Col. Parsons, "$5,000; July 12, Bills payable, $72,000," no explanation; "July 12, 12th R. C. P.," meaning Richard C. Parsons, "$10,000; July 12th, W. C. B.," meaning the Rev. Wm. Colvin Brown, "$10,000."

Q. Does that show the date of this transaction? A. It shows it as it was represented to me.

THE TESTIMONY OF E. C. JENKINS.

De Golyer died, and his interest in the firm of De Golyer & McClellan passed into the hands of C. E. Jenkins of Chicago, with all the papers and correspondence relating to the contract at Washington. The ring after squeezing $97,000 out of the contractors stopped their work without notice. The purpose evidently was to squeeze more money for the benefit of the friends of the ring.

Mr. Jenkins came to Washington armed with some of Chittenden's letters to De Golyer and notified Shepherd that unless their contract was renewed an exposure would follow. He exhibited some of these letters to the correspondent of the New York *Sun*, who when he was examined by the Investigating Committee repeated the substance of Chittenden's letter to De Golyer, wherein he speaks of the employment of Garfield. A copy of this letter has since been sworn to by McClellan as an exhibit in a suit brought in the Circuit Court of Cooke Co., Ill., by Chittenden against McClellan to recover money claimed to be still due him. The part of this letter which relates to Garfield is as follows:

> The influence of Gen. Garfield has been secured by yesterday, last night, and to-day's labors. He carries the purse of the United States—the Chairman of the Committee on Appropriations—and is the strongest man in Congress, and with our friends my demand is to-day, not less than one hundred thousand more—two hundred in all. Everything is in the best shape, the connections complete, and, I have reason to believe, satisfactory. * * * I can hardly relize that we have Gen. Garfield with us. It is rare and very gratifying. All the appropriations of the District come through him.

Mr. Jenkins was examined by the Joint Investigating Committee, and testified as follows:

> Q. Mr. Jenkins, I want to call your attention to some quotations here. I will refer to a letter dated about the 1st of June, 1872, written by Mr. Chittenden to De Golyer & McClellan. Do you remember any such letter? A. I remember reading a letter written about that time, and addressed to the firm. It was written by George R. Chittenden; I know his handwriting.
>
> Q. Can you state the substance of it? A. I can state some portions of it. * * * All those letters bear date before the 1st of June, 1872; they run along, say from the middle of January, or perhaps the 1st of February, up to the 1st of May, which I think was the last date; after that I have seen no correspondence whatever. This award was made on the 25th of June following that last letter of the 30th of May. In that letter of the 30th of May he commenced by stating that Col. Parsons had arrived, and goes on to say that things are looking better; that he is *sure* he will get one hundred thousand square yards, and very probably another hundred thousand, making two hundred thousand in all. He writes in a jubilant vein. He says that *the influence of General Garfield has been secured, and goes on to make some statements in regard to his position in the councils of the nation*, and then passes off to other matters. Now, that is about all I recollect of that letter. * * *
>
> The day following the time when I showed that letter to Mr. Gibson, I left for Chicago the following evening. I saw him in the evening, and he requested me to let him have a copy of the letters. I told him that I had had copies of those letters myself, but that they were safe in my keeping. * * *
>
> *Afterward*, on thinking the matter over, I concluded that a great many wrong inferences might be drawn from statements made in those letters in connection with parties in Washington, &c., *in connection with Colonel Parsons and General Garfield*, and *I destroyed them. I destroyed the letters and copies which I had.*

Jenkins did not tell all he knew; he had something in reserve, and shortly afterwards Shepherd renewed the contract to the extent of $120,000.

THE DE GOLYER BRIBE INVESTIGATED IN 1877.

General Garfield made no statement at that time in regard to his connection with the De Golyer & McClellan job. In 1877 the subject of his connection with the District Ring was inquired into by the Real Estate Pool Committee of the House. Boss Shepherd was examined. He testified in regard to the contract given to De Golyer & McClellan as follows:

> Q. How was their contract procured; was it through them in person, or their agents and attorneys? A. There was a man named Chittenden who came here and spent a good deal of time lobbying—a man that I did not have much to do with, and did not think much of, because my policy was to deal directly with principals and not their agents; he was very persistent, however, and brought

a good many influences to bear. I think by importunity as much as anything else, he secured his contract, representing that the firm had large facilities for doing work; had been very large contractors in Chicago and the Northwest, and had done a great deal of work satisfactorily.

Q. You speak of influences that he brought to bear; explain what they were. A. Well, he used a good many social appliances; friends of the different members of the board and Governor Cooke especially. Governor Cooke was very anxious that they should have a trial; I think Mr. Parsons was a very great friend of Governor Cooke. Mr. Parsons was at that time marshal of the Supreme Court, and an Ohio man, and state influences, I suppose, had something to do with it. Mr. Parsons was quite persistent that they should have a trial, and I think asked Mr. Garfield to speak to certain members of the Board in regard to it. * * *

Q. You say that Mr. Parsons spoke to Mr. Garfield? A. I presume so, from the fact that Mr. Garfield spoke to me. Mr. Garfield said that Parsons was very anxious that these people should have work, and that we had not given the Western men a show. He thought it would be well to do it; he said he had examined into the pavement, and was satisfied that it was a good thing.

Q. Was that all that was said by Mr. Garfield? A. Yes, sir; he said he had examined into the pavement—I do not know whether at that time or before—and into their manner of treating the wood, and was satisfied that it was a good pavement. I think he stated that he had been employed some years before to look into the matter, or something of the kind.

THE TESTIMONY OF NICKERSON.

Benjamin R. Nickerson, who was associated with De Golyer & McClellan, and was the owner of the patent process for treating the wood, testified at this time. He read first from the award of De Golyer & McClellan :

June 25, 1874, Chief Engineer was directed to prepare contract with DeGolyer & McClellan, of Chicago, for laying 150,000 square yards of DeGolyer pavement No. 2, treated by the Samuels' process, and to be laid on such streets as may be designated by the Board, and to be completed in five months, and an additional 50,000 square yards as soon as the Board are reimbursed by the general government on account of the expenditures around public buildings and grounds, and they will be allowed to lay it this season if they will wait for an appropriation, at $3.50 per square yard.

Q. Do you know what appropriation is referred to there; is it an appropriation by Congress? A. Yes, sir ; I know that fact, and there was afterwards an appropriation.

Q. State anything further that you know in reference to this transaction. A. I know all about the matter in all its phases ; through Chittenden & Parsons I know of the employment of Garfield, and what he was employed for; I was in their confidence; I was a party to the transaction; I was interested in the contract itself.

Q. State the facts themselves as concisely as you can. A. In the progress of the affair Chittenden employed Mr. Parsons, with the understanding that Parsons would go to the Board and make an argument ; I regarded him at the time as a kind of curbstone attorney ; I did not take much stock in him, but I was informed by McClellan and by Chittenden, as near as he ever gets to telling a man anything, why they employed him; Chittenden said that he employed Parsons to "reach the man," or that he was "able to reach" the man who was perfectly and entirely powerful in obtaining for him the contract; this was after Huntingdon's death. First he employed Huntingdon and afterward employed Parsons, assuring me that Parsons could "reach the man;" I did not ask who the man was; I knew perfectly well whom he referred to.

GEN. GARFIELD'S STATEMENT.

Gen. Garfield came before the Real Estate Pool Committee and made a statement. He said :

"I never saw this contract before, and I want to say a word in regard to the word "appropriation" used in it. It has no more reference to Congress, than it has to Great Britain. The Board of Public Works under the general law of legislation for the District government made appropriations themselves, and taxed the people along the streets where these improvements were made, by the front foot. * * The only connection that the United States had with it in reference to appropriations was this: Whenever the Board of Public Works laid a pavement on a street upon which any United States building was situated, Congress as a matter of comity, as it does in every other city in the Union, paid its quota of the assessment per front foot. That is the only relation that Congress had to any of these improvements. * * I cannot be expected to explain the language of this contract, which I have never seen before, but if the chairman will look at the appropriation bills, especially in 1873, he will find that there were several appropriations made : one ($180,000 I think) to reimburse the old Washington corporation, previous to the creation of the Board of Public Works, for work that was done around the government reservations. The old canal had been filled, and the Smithsonian grounds had been bettered by that improvement, and there was an appropriation to reimburse the old corporation for that part of the improvement which lay beside the public grounds of the United States; in that same bill there was also an appropriation made to reimburse the Board of Public Works for the government share of the improvements in front of the public buildings and grounds. A day or two before the adjournment of the Congress which adjourned in the latter part of May, or the first part of June, 1872, Richard C. Parsons, who was a practicing lawyer in Cleveland, but was then the Marshal of the Supreme Court, and an old acquaintance of mine, came to my house and said that he was called away summarily by important business; that he was retained in a case upon which he had spent a great deal of time, and that there was but one thing remaining to be done: to make a brief of the relative merits of a large number of wooden pavements; that the Board of Public Works had agreed that they would put down a certain amount of wooden pavement in the city, a certain amount of concrete and a certain amount of other kinds of pavement; that they had fixed the price at which they would put down each of the different kinds, and that the only thing remaining was to determine which was the best pavement of each of these several kinds. He said he would lose his fee unless the brief and the merits of these pavements were made, and that he was suddenly and necessarily called away; and he asked me to prepare the briefs. He brought his papers to my house and models of the pavements. I told him I could not look at the case until the end of the session. When Congress adjourned I sat down to the case in the most open manner as I would prepare a brief for the Supreme Court and worked upon this matter. There were perhaps forty kinds of wood pavements and several chemical analyses of the ingredients of the different pavements; I went over the whole ground carefully and thoroughly, and prepared a brief upon the relative claims of these pavements for the consideration of the Board. This was all I did. I had nothing to do with the terms of the contract; I knew nothing of its conditions, and I never had a word to say about the price of the pavement. I knew nothing about it. I simply made a brief upon the relative merits of the various patent pavements.

GEN. GARFIELD'S STATEMENT TOO THIN.

The weakness of Gen. Garfield's statement is three-fold.

First, he says that the Board of Public Works, under the general law and the legislation of the District Government, made the appropriations themselves. The award to DeGolyer & McClellan gives them an additional 50,000 square yards contingent upon the reimbursement of the District by the general government. They could go on and put down the pavement at $3.50 per yard, provided they would wait for an appropriation. Language could not make it plainer. The District Ring claimed that the government of the United States should pay them a large sum of money. DeGolyer & McClellan were to have 50,000 square yards more, at $3.50 a yard, provided an appropriation was made by Congress. It will be shown hereafter that through General Garfield's influence this appropriation was obtained.

Second, he says that all he did was to prepare a brief on the relative merits of the various patent pavements. When examined in regard to this he could not remember that he had ever filed such a brief with the Board of Public Works:

Q. I understand you to say, Mr. Garfield, that you prepared a brief after Mr. Parsons went away, and that you filed it with the Board of Public Works, is there such a brief on file? A. My impression is that I filed it, though I am not certain. I know that I stated to the Board of Public Works the points of the case.

Q. Are you certain that you filed it with anybody? A. I think I did, but I would not say positively that I did.

Q. Did you make an argument? A. I made a careful study of the case, and I stated the points to the members of the Board.

Q. Did you ever meet the Board collectively together as a Board and ever make a statement or argument upon the subject? A. I do not know whether the members of the Board were all there or not.

Governor Shepherd, when examined in regard to General Garfield's part of this transaction, did not remember that he had made any argument to the Board. He said:

Mr. Garfield spoke to me. Mr. Garfield said that Parsons was very anxious that these people should have work, and that we did not give Western men a show, and he thought it would be well to do it.

His brief, or argument, therefore, seems to have been made to Boss Shepherd, and it was that "Western men ought to have a show."

Third, General Garfield says that what he did was after Congress adjourned, after the first of June. Shepherd testified that Garfield spoke to him in regard to the DeGolyer & McClellan contract in the spring of 1872. His language is, "It must have been in the spring of 1872."

The patent pavement known as De Golyer No. 2, which General Garfield says he examined so carefully, was well known at that time to be worthless. A large quantity of it had been put down in Chicago only the year previous, and had already been condemned by the general inspector of pavements for the Board of Public Works of Chicago. Moreover, an advisory board, consisting of General Meigs, General Humphries, J. K. Barnes, O. E. Babcock and Fredlaw Olmstead, had in February, 1872, reported that, in their opinion, only one process of treating wood—the Seeley—gave promise of success, and recommended that wood pavements be laid only when some exceptional reason demanded them.

HISTORY OF THE SERVICES GARFIELD RENDERED THE RING.

The appropriation which the District ring wanted Congress to make, and which is mentioned in the award to De Golyer and McClellan was for $192,620.30, and not $180,000, as General Garfield states. This claim which had been cooked up against the general government was without any warrant of law whatever. The Board of Public Works had submitted to the territorial legislature in May, 1872, a statement "of amounts expended for improvements abutting on property of the United States." They based this claim upon the act of Congress May 5, 1864, entitled, "An Act to amend an Act to incorporate the Inhabitants of the City of Washington." This act provided that—

> In all cases in which the streets, avenues or alleys of said city passed through or by any property of the United States, the Commissioner of Public Buildings and Grounds shall pay to the duly authorized officers of the corporation the just proportion of the expense incurred in improving such avenue, street or alley, which said property bears to the whole cost thereof, to be ascertained in the same manner as the same is apportioned among the individual proprietors of the property improved thereby.

The statement made to the Territorial Legislature of the indebtedness of the United States was reported to be $192,620.31. This amount was obtained by a plain violation of the above quoted law, which says that the government of the United States shall pay the same proportion of the cost of the improvements as the owners of private property. Private property was assessed by the Board of Public Works one-third of the whole cost of the street improved. To swell their claim against the United States the Board of Public Works charged it five-sixths of the cost of the street improvements. Two-thirds of the cost of improvements, where private property alone was benefited, was charged to the general fund of the District, and paid out of the $4,000,000 loan, as was also the one-sixth of the cost where government property bordered on one side of the street or avenue improved. By means of this five-sixths charged against the United States the Ring was enabled to assess the general government, the property holders and the general fund of the District about twice the cost of all improvements.

GENERAL GARFIELD, THE RING'S MOUTHPIECE.

General Garfield, as Chairman of the Committee on Appropriations, included in the Sundry Civil Bill, an item to pay this bill of $192,620.30, which the District Ring had cooked up against the United States. When the bill came up in the House, on May 20th, for discussion. General Garfield, on being questioned in regard to the appropriation, said :

> The Board made certain improvements * * * * opposite reservations and property owned by the United States. In every such case they have made out a full and accurate statement of the expense of grading, paving and other work done on the streets oppposite such government property, and have forwarded to the President of the United States a complete statement of such expenses, and an estimate of what the government of the United States ought to pay, if it placed itself exactly in the place of the government of the District when the work is done opposite the District property. The President has forwarded this paper to the House of Representatives, and it has been referred to the Committee on Appropriations. The paper gives a detailed and specific statement of work done, and the number of square yards of paving, the number of cubic yards of grading, or any other work done, naming the square * * *
> The government, of course, is not bound at all to pay anything * * * * the only question is whether the United States will pay its equal share.

Mr. Randall, of Pennsylvania, pointedly inquired :

> Why should we donate a sum amounting in the gross to nearly $200,000, to a board which has shown itself to be reckless and extravagant in its operations ?

This was an inconvenient question to answer, and General Garfield did not attempt a reply. This item of $192,620.30 was voted down in Committee of the Whole. General Garfield then brought up another item for $68,365.

> For the proportion of cost properly payable by the United States for filling up the canal and building an intercepting sewer along the side of the canal, adjoining the property of the United States, payments to be made only upon the voucher approved by the officer in charge of Public Buildings and Grounds.

This appropriation he got through, although he must have known at that time that two years previous Congress had appropriated $50,000 for dredging and cleaning out this same canal.

THE RING'S SENATORIAL FRIENDS HELP GARFIELD.

The item of $192,620.30 having been struck out of the Sundry Civil Bill by the Committee of the Whole; it was renewed in the Senate by the Committee ton Appropriations of that body; reduced, however, to $150,000, with a proviso:

> That only so much of the curbing and paving of sidewalks as is necessary for the side of the street adjoining the property of the United States shall be chargeable to the United States, and not more than one-third of the legitimate cost of repairing roadways and putting in sewering shall be paid by the government of the United States.

The item of $68,365, which had been agreed to by the House was recommended to be stricken out by the Senate Committee on Appropriations. It was renewed in the Senate by Frederick A. Sawyer, Carpet-Bag Senator for South Carolina. He said he had learned from good authority that this money was not to be spent for what it was claimed to be on the face of the bill, namely, for filling up the canal.

> The appropriation, he said, is for quite another work; it is for building a sewer through the President's grounds and reservation, south of North B street, between Tenth and Eleventh streets, the District paying all balance, which largely exceeds the amount asked for from the government. When this whole work of filling up the canal is done, which was provided for by the appropriation of $150,000, there will be about 25,000 acres of land reclaimed belonging to the government, and worth $500,000. The present appropriation is not for this work. I have had a conference with the Commissioner of Public Buildings and Grounds (General Babcock), and he says the work was done economically, and he regards it as an entirely proper expense to be made by the government.

GARFIELD SERVES THE RING ON A CONFERENCE COMMITTEE.

Upon this misrepresentation the appropriation was voted by the Senate. The Sundry Civil Bill containing the above item was referred to a conference committee. The report of this conference committee, dated June the 10th, signed by only four Republicans, Messrs. Garfield and Palmer on the part of the House and Messrs. Cole and Edmunds on the part of the Senate, restored $192,620.30 for improvements in front of the government reservations, and left the $68,365 for the intercepting sewer intact (*see Globe, page* 4,495).

The filling of the canal was an outrageous swindle on the general government. Boss Shepherd when asked by the Chairman of the Joint Investigating Committee, May 7th, 1874, what the cost to the Board of Public Works for filling the canal was, replied, "It was simply a dumping ground to get rid of dirt that we carted off from various streets which we were improving;" the earth was dumped there, and yet, as has been previously shown, the United States was called upon, first and last, to pay nearly $600,000 for the dirt the contractors, for their our convenience, were allowed to dump in the old canal.

THE CITIZENS OF THE DISTRICT APPEAL TO GARFIELD.

Towards the close of November, 1872, the outcry of the citizens of the District against the arbitary and oppressive manner in which the Ring was prosecuting improvements became very loud and bitter. Congressmen returning to the capital in advance of the meeting of Congress were called upon by outraged property holders and besought to interfere. A great pressure was brought to bear upon Gen. Garfield to use his influence to restrain the power and recklessness of the Board of Public Works. He listened for a time to the complaints of the taxpayers and even promised them his assistance; in a few days it was noised abroad that Garfield would take a stand at the approaching session of Congress against the District Ring, and of course this news soon came to the ears of Boss Shepherd. According to the account of one of Shepherd's associates who was present when this information was conveyed to him, he simply remarked that he had a paper in his drawer which would keep Garfield straight, and thereupon drew out the award to De Golyer & McClellan.

MORE SUBSERVIENT THAN EVER TO THE RING.

The services rendered by General Garfield to the District Ring at the succeeding session of Congress were as follows: On the 16th of December he reported the Deficiency Bill, which contained an item appropriating nearly a million and a quarter of dollars for the benefit of the District Ring. General Garfield said:

> In order to protect the United States in its expenditure of money, the committee has put the appropriation in the following form: To enable the Secretary of the Interior to pay the expenditures made by the Board of Public Works of the District of Columbia for paving roadway and curbing and paving sidewalks, grading, sewerage, and other improvements upon and adjoining the property of the United States in the District of Columbia, $1,241,920.92, or so much thereof as may be necessary; *Provided*, That all payments under this appropriation shall be made *only* upon vouchers approved by the officer in charge of the public buildings and grounds of the District, after full examination and measurement of the said improvements.

The Deficiency Bill, as originally prepared by General Garfield, contained no proviso in regard to the expenditure of the million and a quarter. He was forced to put in this proviso in this way: It had already been charged that the measurements on which the government had paid large sums to the Board of Public Works were false. The Hon. Samuel S. Marshall, of Illinois, a member of the Committee on Appropriations when the item above quoted was under consideration, moved that General Humphreys, Chief of the Engineer Corps, should cause all work adjoining public property to be measured, and that payments should be made upon his certificate alone, which would be a guarantee for their correctness. This was too fair to be opposed. General Garfield, therefore, adjourned the committee, consulted with the Ring, and at the next meeting brought in the proviso as above quoted, conferring upon General Babcock the exclusive power to sign the vouchers. He argued in the committee that it would be a reflection upon Babcock, who had charge of the public buildings and grounds, to assign the task to any one else, and that his certificate would be an equal guarantee.

On December 16th General Garfield made an ingenious argument in explanation of the item appropriating $1,241,920.92. In closing he said:

> "The committee have come to the conclusion to recommend an appropriation in gross covering sums set down in detail on pages 47-51 of the Report of the Board of Public Works. Gentlemen will find further the detailed statement of the number of lineal feet of curb, cubical feet of grading, and square yards of pavement, and so on, with the rate and total cost of each. The committee have come to the conclusion that it is their duty to ask the House to appropriate the sum total as the proper share that the United States ought to pay for the work done.

Mr. Holman, of Indiana, said:

> I have searched every avenue of information about this Capitol, your document room, your folding room and everywhere else to ascertain data upon which it is proposed to appropriate this million and a half, and I cannot find any scrap of information bearing upon the subject. It may be that the Committee on Appropriations are possessed of certain private information of their own, but the public sources of information about this Capitol furnish no data. I have seen upon the desk of the gentleman from Ohio (Mr. Garfield) a blue covered book which seems to be a public document, but I venture to say that up to this hour not a dozen members upon this floor have had access to this document to which the gentleman has reference. Will the gentleman say that that report is one of the public documents within the reach of every member of this House?
>
> Mr. Garfield: I suppose it to be a report made to the president and by him submitted to Congress.
>
> Mr. Holman: Does not the gentleman know that it is not a public document?
>
> Mr. Garfield: It is a document submitted to Congress by the president, and one to which he calls attention in his message. There can be no more public document than that.
>
> Mr. Holman: Will the gentleman tell us where we can get a copy?
>
> Mr. Garfield: I suppose it can be obtained at the folding room.
>
> Mr. Holman: It is not at the folding room.

This document known as the report of the Board of Public Works, was privately printed. The detailed statement of the work around government property for which this money was asked was subsequently proved before the Joint Investigating Committee of the Forty-third Congress to be false in every item. The Ring knew this and therefore had printed only a few copies for use of the appropriation committees of the two Houses.

This proviso was intended to shut the gates down, and framed precisely with the sentiment expressed by Mr. Garfield only the day before. What did he **do**? Let the *Globe* answer.

MAKES A POINT OF ORDER.

Mr. Garfield: I make the point of order on that amendment, *that it changes the law in regard to the board.*

Mr. Holman: It is exactly in accordance with what I understood the gentleman to state was the law.

Mr. Farnsworth: It certainly does not change the law.

Mr. Holman: It simply prohibits expenditures hereafter beyond the appropriations made.

Members could not stultify themselves in presence of what had occurred, and Mr. Holman's amendment was carried by a majority of thirteen. Still General Garfield did not give it up, and when the bill went into the House, he tried to rally his forces again to defeat the proviso.

The Speaker: The amendments are reported. Is a separate vote demanded on each?

Mr. Garfield: *Only* on that adopted in committee on the motion of the gentleman from Indiana (Mr. Holman).

The question being taken on Mr. Holman's amendment, it was agreed to—yeas 77, nays 53.

That was the great entering wedge of the Washington Ring's plunder, so far as the public treasury was concerned. Mr. Garfield engineered the scheme from first to last, with all the power which his position gave him as one of the leaders of the House in shaping legislation, and as chairman of the committee holding the purse strings of the nation, to be tightened or loosened by his will. Chittenden, the lobbyist of the corrupt contract, did not misjudge his character or his strength, when he "retained" him through Parsons, and wrote rejoicingly to De Golyer that success was certain after Garfield's "influence" had been made certain. And Shepherd, who gave out the contract for this and other considerations, knew well how good a bargain he had driven.

IN THE SENATE.

The foundation being thus laid, the Ring next turned to the Senate for the prosecution of their venal plans. In that body they had powerful support in the Senators who were partners in the ' Real Estate Pool," like W. M. Stewart of Nevada, and others linked in with various forms of speculations. The Committee on Appropriations was absolutely in their hands, as was that on the District of Columbia, then headed by Patterson of New Hampshire, who was repudiated and disgraced because of his connection with these robbers.

After the amendment of the House forbidding any further expenditures without previous appropriation, it was necessary to change the tactics, as the fact was too fresh in the mind of Congress and of the public to be treated with open defiance. Discussion was also to be avoided, for that would attract notice and comment, with the certainty of being fatal. Whenever the lobby are harassed and threatened with this sort of danger, they carry their job to the Senate, get it attached to an appropriation bill which is held back to the closing days, or smuggle it into a conference committee packed to order, cut off debate by the previous question, and then threaten an extra session, unless their corrupt legislation is adopted.

BACK IN THE HOUSE.

The Ring adopted this game and knew how to play it to perfection from long familiarity. They had the advantage, too, of stocked cards. The Sundry Civil Appropriation Bill was then pending. There was a disagreement on some of the items, and the usual conference committees were appointed. A. A. Sargent, a sort of lieutenant of Garfield, was chairman on the part of the House. On the

1st of March—one day before the adjournment of Congress, as Sunday intervened—this bill was reported from the conference committee. In presenting it Sargent said:

> The important amendments put on by the Senate are those relating to District appropriations.

They were composed of four items and footed up $2,199,533, in addition to the $1,241,920.92 which had been granted only six weeks before. Great indignation was excited in the House by this daring imposition. Mr. Beck, Mr. Burchard, Mr. Crebs, Mr. Roosevelt, and others denounced it in fitting terms. The bill was then postponed until the 3d of March, the last day of the Forty-second Congress.

It was shown by a report from the District of Columbia Committee, in reply to questions addressed to the Board of Public Works only four weeks previously, that "no further sum will be required to complete the work undertaken, and for which liabilities have been incurred." But that positive declaration, like the restrictive proviso of the House on the former appropriation, produced no effect whatever. The screw was turned and opposition was useless. Mr. Holman made a last endeavor, by a parliamentary motion, to reject the report and reopen the question. It was answered by a rally of the party, with the following result:

THE RECORD THAT DAMNS.

The question being taken on the motion of Mr. Holman to reconsider the vote ordering the main question, there were yeas 67, nays 129, not voting 44.

GENERAL GARFIELD VOTED NO.

That test vote substantially decided the question, though another attempt was made in behalf of honesty before the final formalities were completed. Mr. Beck earnestly appealed to the House, but in vain.

> We ought now to reject this conference report, in order that all the new legislation may be stricken out of it, and all items rejected which we have not a chance of considering in this House. Let us order our committee to go back to the Senate and say to them that if there be new legislation, *the champions of which do not dare to come here and ask us to consider it*, we cannot allow them to put it on in the *expiring hours* of the session by *amendments stated only by numbers*; the members of the House not having a chance of saying anything against or knowing anything of the legislation they are called upon to pass.

General Garfield is directly responsible for thus voting away three and a half millions of the people's money between the 8th of January and the third of March, 1873, the bulk of which was distributed among the chiefs and confederates of the Washington Ring. He initiated this infamous system. He certified the acts of Shepherd as in accordance with law. He advocated the claims of these plunderers as just and meritorious. He abused his trust to help their rascality, and he falsified the record in order to mislead the House.

"BABCOCK'S LIGHTNING CALCULATIONS."

The Deficiency Bill passed on December 19th. Mr. Holman, of Indiana, after repeated efforts finally succeeded in having a proviso inserted, that the Board of Public Works :

> Be and the same are hereby prohibited from incurring or contracting further liabilities on behalf of the United States in the improvement of streets, alleys, avenues and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contracts touching said improvement on behalf of the United States, except in pursuance of appropriations made by Congress.

Gen. Babcock made quick work of the measurements he was directed to make by Congress. The deficiency bill did not become a law until Jan. 8, but on Jan. 10, two days later, an account footing up to $2,240,920.84, with the approval of Gen. Babcock attached, certifying that he had had the proper examination made, the measurements verified and prices approved, was presented at the Treasury Department. It was a voluminous document, containing several thousand items of measurement, but nevertheless it passed the first auditor and first comptroller, and reached the warrant division on the same day. The next day, Jan. 11, the assistant secretary issued three warrants for that sum of money, which were registered by the register of the treasury, and handed over to Gov. Cooke.

The Hon. Robt. B. Roosevelt, of New York, who was prevented by sickness from attending the session of the House during the debate on this appropriation, made on Jan. 24, a vigorous onslaught on the Board of Public Works, and he charged and proved by irrefutable facts, that their detailed statement of the cost of the work alleged to have been done around government property was false in detail and in gross.

SAWYER AND SARGENT REWARDED.

For the services that Senator Sawyer had rendered to the Ring, his appointment as Assistant Secretary of the Treasury was secured by Shepherd's and Babcock's influence with the President. In the following year, however, he was, after having been detected in procuring the payment of several fraudulent claims, forced to resign by Secretary Bristow. On the 15th of March, the treasurer of the Board of Public Works presented at the Treasury Department the first batch of Babcock's measurements under the new appropriation, amounting to $1,113,598.73. On the same day, Hallet Kilbourne, the trustee of the Cooke branch of the Real Estate Pool and the middle man of the contract pool, made the following deed, as per record: "Hallet Kilbourne, trustee to Aaron A. Sargent; deed executed March 15th, 1873; recorded March 22d, 1873, in Liber 712, folio 333, lots 1 and 2 in square 136; consideration of $22,000." These lots front on the square at the intersection of Connecticut and Massachusetts avenues, which was christened "Pacific Place" by Babcock, to tickle the fancy of the chiefs of the Pacific Coast Ring, who were about to colonize the vacant land thereabouts under the lead of "Emma Mine" Stewart, who was then erecting on the north side of the circle a proud castle, which soon came to be known as "Honest Miner's Camp." The modest homestead conveyed to Sargent contained 24,521 square feet; $5,500 were to be paid in cash; the rest was secured by notes running one, two and three years. These notes were never paid, and in the summer of 1875 Shepherd gave him in exchange for the same a house and lot at the corner of Connecticut avenue and De Sales street.

GARFIELD'S SERVICES COULD NOT SAVE THE RING.

The District government was bankrupt. The vast appropriations which they had received through the influence of Garfield and Sargent in the House, and Sawyer in the Senate, brought but temporary relief. The District legislature authorized the issuance of two millions of dollars of assessment certificates. The First National Bank of New York, in which the Cookes were interested, took $800,000 of these securities at 97 cents. John O. Evans, and some favorite contractors, made an arrangement with this bank, by which the auditor's certificates, which were given for work done, were turned in to the treasurer of the Board of Public Works, who issued to the bank for them certificates of assessment. But even these two millions of illegal securities, thus floated, were insufficient to meet the pressing demands of the Ring. The subservient District legislature was directed to authorize the issuance of sewer bonds, and an act to this effect was passed. It divided the city into sections, without any regard to the topographical features of the ground within the corporate limits, and notwithstanding main sewers, providing ample drainage for all of these sections, had been nearly completed, and the cost for the same charged against private property, and the United States. It was proposed under this act to levy a general tax to pay for work already done and nearly paid for. The act was iniquitous. Whole squares of ground, submerged at low tide, were assessed at double and treble their actual value, while the vast tracts of land traversed by splendid avenues and partly paved streets, which had been gobbled up by the Real Estate Pool, escaped with a nominal assessment. The total cost of these main sewers had not exceeded $2,500,000, yet it was deliberately proposed, in addition to levying a general tax upon all private property, to charge up against the United States, as its proportion of the taxes, $2,740,681.83.

THE RING FRAUDS INVESTIGATED.

The passage of this act by the Legislative Assembly was the last feather that broke the camel's back. The citizens began to organize and collect evidence of the misdoings of the ring. The measurements which General Babcock had certified to be correct, were remeasured by competent engineers, and found to be glaringly false in every instance. When Congress reassembled in December, a memorial was presented to both Houses, demanding an investigation. Every effort was made to prevent it, but public sentiment was too strong to be resisted, and the investigation was ordered. Prior to this, however, the Board of Public Works had cooked up another claim against the United States, for work done about government reservations, the avenues and for main sewers, and coolly demanded $4,370,427.94. This demand was made in defiance of the provision which Mr. Holman had succeeded in placing upon the deficiency bill, heretofore referred to, forbidding the Board of Public Works to incur or contract further liabilities against the United States, unless authorized by act of Congress.

The investigation was made by a joint committee of the two Houses. Notwithstanding every obstacle was placed in the way by the Ring, the exposures threatened to be so damning that they resorted to a desperate expedient intended to blacken the character of those who were prosecuting them. To accomplish this, one of the darkest crimes of the age was deliberately planned by members of the Ring, and perpetrated by criminals employed by them through the secret service division of the Treasury Department. It occurred on the night of the very day upon which the counsel for the citizens announced to the committee that they had closed their case. Briefly stated the prominent facts connected with this damnable villany, are as follows: A number of the principal citizens were in the habit of meeting nightly at the house of Mr. Columbus Alexander, to hold consultations among themselves and with their attorneys. An operative in the Secret Service force was detailed by the chief at the special request of Gen. Babcock and Richard Harrington, to concoct a plot by which he could entrap Mr. Alexander and the gentlemen who were in the habit of meeting with him at his house, into receiving books and papers which were without the knowledge of the gentlemen to be stolen from the office of the District Attorney. The detective managed, after trying several weeks, to make the acquaintance of Mr. Alexander, and represented himself as a former bookkeeper of John O. Evans. In the interview which he had with Mr. Alexander he stated that the books of Mr. Evans which had been produced before the committee were forgeries, and that the real books were in his possession, and would show that enormous frauds had been perpetrated by Evans with the consent and connivance of Shepherd. These books he offered to produce and turn over to the citizens. At first he demanded money; but this was sternly refused, whereupon he said he was an honest man and desired to expose the frauds, and would turn over the true books of Evans without any compensation. This proffer was accepted, and Mr. Alexander immediately notified two members of the Investigating Committee of the proposition that had been made to him.

PUTTING UP THE SAFE BURGARLY JOB.

On Wednesday, the 21st of April, Harrington, accompanied by John O. Evans, carried the account books from his office on Pennsylvania avenue, to the District Attorney's office and locked them up in his safe. On Thursday night, April 22d, a professional burglar named George E. Miles, with an assistant, entered the District Attorney's office, blew open the safe, took out the books of Evans, which were carried to Mr. Alexander's house by the assistant burglar. Harrington, on Thursday, had notified the police authorities that he had reason to fear that a burglary was going to be committed in the District Attorney's office, and had the entire detective force of the city stationed about the building in which the office was located. The superintendent of police was there in person, and also the chief of the detectives. The burglars entered the building about ten o'clock in the evening, and carried with them the tools to be used in breaking open the safe. They were seen to enter and the superintendent of police wanted to arrest them at that time, but Harrington objected. They passed out and returned later, and after hammering away at the safe for several minutes, finally blew it open, the report being so loud that it attracted the attention of the people living in the neighborhood. The two burglars walked boldly out of the front entrance of the building and one of them was suffered to slip quietly away while the detectives accompanied by Harrington, a brother of Shepherd and a fellow named A. B. Williams, an intimate associate of Harrington, followed the other who carried the books to Mr. Alexander's house. On the way thither, the burglar lost his way and Williams pointed out the road and directed him to the house. Mr. Alexander and his entire family were in bed sound asleep, and providentially, all the noise of pounding at the door and ringing of the bell by the burglar did not awaken a single one of the inmates. After he had been suffered to continue his efforts to awaken the inmates for fifteen or twenty minutes, the superintendent of police finally arrested him and took him to police headquarters, where he was locked up. A few days later this villian was, through a fellow named Sommerville, with whom Harrington had made the arrangement, procured to make an affidavit in which he asserted that he had been employed by Mr. Alexander to blow open the safe in the District Attorney's office, and bring the books of Evans to his house. This affair was subsequently investigated by the Joint Committee, and after Harrington, Williams and the officers of the Secret Service division had committed perjury over and over again, the detective who had been instructed to put up the job came forward and made a clean breast of the whole transaction.

GRANT INVITES THE CRIMINAL FROM THE DOCK.

The Hon. Benjamin H. Bristow having been made Secretary of the Treasury, the whole matter was referred to him by the committee for further investigation, and he turned it over to Hon. Bluford Wilson, who was afterward appointed Solicitor of the Treasury. Mr Wilson succeeded, after a patient investigation, in discovering the most complete and irrefutable proofs of the connection of Col. Whitney, chief of the Secret Service Division, his first assistant I. C. Nettleship, Richard Harrington and A. B. Williams, with this damnable conspiracy to ruin an innocent man. The Hon. A. G. Riddle was appointed a special assistant attorney-general to prosecute these parties in the criminal court of the District.

They were indicted, and after some delay brought to trial, when the most desperate efforts were made by the Ring, assisted by the United States Marshal, Alexander Sharp, a brother-in-law of the President, to secure their acquital. The President himself lent his influence to secure the same result. During the progress of the trial he invited Harrington to a reception given at the White House, thus giving notice to both court and jury that he considered the criminal in the dock had not been guilty of any offence which deserved public condemnation. Although the jury had been, as far as possible, packed by the marshal, it failed to acquit the conspirators. At the begining of the first session of the Forty-fourth Congress, Col. Whitney, Nettleship, Somerville and all the other parties, including the burglar came forward and confessed their connection with this crime and furnished still further evidence implicating Harrington, and also connecting Gen. Babcock directly with this infernal conspiracy.

Gen. Babcock was indicted and tried but through the influence which dominated the court of the District, he was acquitted. Harrington is still a fugitive from justice, and has never dared to stand a second trial.

THE REPORT OF THE JOINT INVESTIGATING COMMITTEE.

Every conceiveable influence was exerted to operate on the joint committee, in order to protect the Ring from full exposure and punishment. To save them it was first indispensible to whitewash their associates, or at least to withhold censure.

Mr. Allison, the chairman of the committee, had been tainted darkly with Credit Mobilier, as one of Oakes Ames' beneficiaries. They knew how to touch his sympathies and his interests. He was won over. Other Republican members were implored, on account of the injury to the party at the fall elections, to moderate their just resentment at these enormities, and be content with dismissing the whole concern. A promise was given that the President, under no circumstances, would appoint Shepherd to any new office that might be created.

Under this and other pressure, combined with the fear of some that a division in the committee would prolong the misrule and prevent any legislation, the original report was materially modified in its stern expression. But that did not alter the facts or change the crushing testimony. Yet, with all these sinister causes operating, that report says:

FAVORITISM IN CITY CONTRACTS.

> This opened the way for favoritism in the letting of contracts, and for a system of brokerage in contracts which was demoralizing in its results, bringing into the list of contractors a class of people unaccustomed to perform the work required, and enabling legitimate contractors to pay large prices in order to secure contracts, and, in the opinion of your committee, was the beginning of nearly all the irregularities disclosed in the testimony in the letting of contracts. Any system which would enable an adventurer to come from a distant city, and in the name of a contracting firm make proffers of 50 cents per yard to any person having or supposed to have influence with the board, whereby a paving contract could be secured, and after persistent effort succeed in securing a contract, and actually binding his principals, the contractors, to pay $97,000 for a contract of 200,000 yards of pavement, after an effort of five months to secure it, the gross amount to be received being only about $700,000, in its nature must be vicious, and ought to be condemned.

BOSS SHEPHERD THE BOARD OF PUBLIC WORKS.

Again the report says:

> Pursuant to this authority, for no other seems to have been relied upon, the Vice-President (Shepherd) ultimately came to be, practically, the Board of Public Works, and exercised the power of the board almost *as absolutely as though no one else had been associated with him.*
>
> During a considerable portion of the succeeding time, notwithstanding the most extensive operations were being carried on, and expenditures were being made by the millions, there were no stated times for board meetings, and but comparatively few board meetings were in fact held, but entries were made in the record purporting to contain the proceedings of the board, which were, in fact, made up by the Secretary from letters and papers that came to the office, and from directions made by the Vice-President (Shepherd). Some of these were entries made of business transacted by the Vice-President (Shepherd) at his private office, and afterwards placed on the records as having been business transacted by the board.
>
> These minutes were rarely, if ever, read and approved.

FALSE CLAIMS AGAINST THE UNITED STATES.

Of the claim of $4,500,000, which the Board of Public Works presented to to Congress against the United States, the report says:

> It was undoubtedly widely wrong, and whether there is anything that appears in it that can be, with any propriety, charged to the United States, is exceedingly doubtful, excepting it may be the amount of $248,240.72, and the accuracy of that can only be ascertained by a remeasurement.

Of the item for $2,740,681.83, as the government's proportion of the cost of the main sewerage, the report says:

> All the main sewerage of the city, when completed, will cost $2,435,835.23, so that this charge against the government for main sewerage is $304,826.60 more than the whole cost.

In speaking of the manner in which the accounts against the United States were manufactured, the committee instanced the acts of January 8 and March 3, 1873, which Gen. Garfield, aided by Sargent of Ohio, and Sawyer in the Senate, had engineered through, whereby $3,448,933 were obtained from the national treasury. The report says:

> These acts were founded on accounts presented by the District for work said to be done, and for which it was alleged that the government of the United States was equitably liable. The testimony taken by your committee, and a scrutiny of the reports of the Board of Public Works, convinces your committee that those accounts were unreliable and inaccurate, and that the provisions of the law requiring their verification were not complied with according to their letter and spirit.

RING BOOKKEEPING.

Again the report says:

> The treasurer was made the sole custodian of all the moneys received and securities issued, and the sole disbursing officer of the same, without any check upon him whatsoever. He could draw his checks upon the public moneys in favor of whomsoever and for any amount he chose, and on any account he might think proper, without any other member of the board or officer thereof, having any knowledge of it whatever. He has kept no cash account, and the checks he has issued do not correspond with the several amounts reported by him to have been paid; so that there is, as he himself concedes, no means of ascertaining whether his accounts are correct, other than by examining his books and papers in detail, which would have required more time than the committee could devote to it, besides requiring the services of a skillful accountant. From the organization of this board, June, 1871, to this time, the board has not examined these accounts.
>
> The mode of doing business in this office was as follows: Upon the presentation to the auditor of an account or estimate purporting to be approved by the Board of Public Works, the auditor issued a certificate of indebtedness, and filed the approval, account, or estimate as his voucher for the issuance of the certificate. But no record or register of such auditing by the board was kept by the board, and it would seem to have been common for a single member (Shepherd), to direct accounts to be audited in the name of the board; consequently, there are no books that serve as a check upon the auditor, and by the comparison of which with his own books, it can be seen whether he has improperly issued certificates.
>
> Notwithstanding the powers of the auditor and of the treasurer, the board during the three years it has been in existence, has done nothing in the way of verifying the accounts of these two officers. This is a negligence not to be excused in those in whom such important trusts were confided.
>
> Whether moneys have been paid out on false accounts, or diverted to improper purposes, can only be determined from a careful scrutiny of the accounts in detail.

THE LEGACY THE RING LEFT THE DISTRICT OF COLUMBIA.

The legacy of debt which the Ring left the citizens of the District of Columbia, is one that will burden their descendants to the latest posterity, and will continually drain the federal treasury. The organic act establishing the territorial form of government for the District, limited the debt to $10,000,000. The joint investigating committee of the forty-third Congress, found from the best data then attainable that the Ring had exceeded this by $8,000,000, and in addition, left a floating debt which has been found to be $11,497,961.13. During a period of five years from July 1, 1871, to July, 1, 1876, there has been collected in taxes from the people of the District, and in money realized on bonds issued, $31,593,981.75. In addition to this, there has been received from the federal treasury $11,247,608.46, making a grand total expended in five years of $42,841,590.21.

The present debt of the District of Columbia, according to the report of the Sinking Fund Commission of Nov. 29, 1879, is $21,723,712.91.

A DEMOCRATIC PRESIDENT THE PEOPLE'S ONLY HOPE.

Congress, startled by the exhibit of Ring rascality, made by the joint investigating committee in 1874, wiped out the Ring government and established a new one. Three commissioners nominated by the President, and confirmed by the Senate, are the autocrats who rule the people of the District of Columbia. Their administration has been an improvement upon that of the old Ring, but it is far from being efficient and economical. It has been more or less under the old Ring influence. The Treasurer of the United States has accused them of various shortcomings, and an investigation by the District Committee of the House of Representatives last winter developed grave scandals. The Ring government had made excessive assessments for street improvements, and Congress provided that they should be reimbursed. In executing this law, the commissioners issued what were known as drawback certificates. It appears from the testimony taken last winter by the House committee that almost every kind of crime was committed by the employees of the District commissioners.

If there is ever to be a reformation in the administration of the affairs of the District of Columbia, it must come either by Congress establishing a new form of government, or by the election of a President of the United States who will appoint honest men as commissioners.

The New York *Independent*, the leading religious paper of the United States, said, in 1874, of Gen. Garfield's connection with the District of Columbia frauds :

> The testimony taken in the investigation of the District of Columbia frauds, shows that Mr. Garfield received $5,000 for his aid in getting through a paving contract accepted by the District government. A Mr. Parsons, a notorious jobber, made an argument for the paving company and then got Mr. Garfield to make a further argument, and to use his personal influence in its favor.
>
> Of course Mr. Garfield's argument was successful. How could it be otherwise ? He was Chairman of the Committee on Appropriations. Every cent of money voted to the District had to come through him. Shepherd could not afford to refuse him anything he asked. Mr. Garfield knew it when he asked and received for his services a fee which would have been grossly extravagant but for his official position.

MR. GARFIELD DENOUNCED BY HIS REPUBLICAN CONSTITUENTS.

(Resolutions passed by Republican voters of the Nineteenth Congressional District of Ohio, in convention assembled, at Warren, Ohio, on the 7th day of September, 1876.)

Resolved, That we arraign and denounce him [Garfield] for his corrupt connection with the Credit Mobilier ; for his false denials thereof before his constituents; for his perjured denial thereof before a committee of his peers in Congress ; for fraud upon his constituents in circulating among them a pamphlet purporting to set forth the finding of said committee and the evidence against him, when, in fact, material portions thereof were omitted and garbled.

* * * * * * * * * * *

Resolved, That we further arraign and charge him with corrupt bribery in selling his official influence as chairman of the Committee on Appropriations for $5,000 to the De Golyer pavement ring, to aid them in securing a contract from the Board of Public Works of the District of Columbia ; selling his influence to aid said ring in imposing upon the people of said District a pavement which is almost worthless at a price three times its cost, as sworn to by one of the contractors ; selling his influence to aid said ring in procuring a contract to procure which it corruptly paid $97,000 "for influence ;" selling his influence in a matter that involved no question of law, upon the shallow pretext that he was acting as a lawyer ; selling his influence in a manner so palpable and clear as to be so found and declared by an impartial and competent court upon an issue solemnly tried.

THE DE GOLYER FEE.

THE RECORD OF THE CASE IN THE CHICAGO COURTS. THE CONTRACT DECLARED ILLEGAL AS AGAINST PUBLIC MORALS, BY JUDGE FARWELL.

The following is substantially a true abstract of the case, so far as it bears upon the action of General Garfield.

May Term, 1875—Before Farwell, Circuit Judge.—No. 12,181.

State of Illinois, Cook County Circuit Court.

George R. Chittenden *vs.* Robert McClellan, *et al.*

The plaintiff, by E. A. Storrs, Esq., brought suit against the defendants, upon a contract by which they agreed to pay him one third of all the profits upon all paving contracts, which he would obtain for De Golyer & McClellan, from boards of public works, in Eastern cities. The declaration alleged that he obtained a contract for paving 200,000 square yards from the Board of Public Works of the District of Columbia, at $3.50 per yard, when it would cost only $1.50 to lay it down. That the profits would be $400,000, and the plaintiff claimed the defendants should pay him $100,000, at least, and he claimed a judgment for that sum. Besides the general issue—

The defendants pleaded in substance the following SPECIAL PLEAS:

1st. That the contract was *void on its face.*

2d. That it was obtained by the plaintiff by *improper influences*—against public policy, and therefore was void. Amongst other things the second special plea set out "that then and there, and while the matter was pending aud undetermined before the said board, he (the plaintiff) did pay to one Richard C. Parsons a large sum of money, to wit: the sum of ten thousand dollars, he then and there being an officer of the United States, to wit: Marshal of the Supreme Court, to apply to said board, and the individual members of said board, to obtain the award of said contract; and also then and there did employ, or caused to be employed, J. A. Garfield, then and there a member of the House of Representatives, and Chairman of the Committee on Appropriations of said House, to appear before the said Board, and before the individuals composing the same, to solicit and urge upon said board the award of said contract, and in consideration of his said employment and services and official influence then and there rendered, the said plaintiff did pay, or cause to be paid, illegally, improperly and against public policy, a large sum of money, to wit: the sum of five thousand dollars; and then and there, and in part by means thereof, the said Board of Public Works were moved and induced, illegally, improperly and against public policy, to make the said award, which said award, amongst other things, contained the following clause or condition, viz.:

"'An additional amount of fifty thousand square yards will be awarded you,' [the defendants meaning] 'so soon as the Board are reimbursed by the general government on account of expenditures around the public buildings and grounds, or you,' [the defendants meaning] 'will be allowed to lay it this season if you can wait until an appropriation is made for this purpose,' [meaning an appropriation by Congress], 'at three dollars and fifty cents per square yard.' And the defendants aver that, then and there, and by the terms of the said award of said contract, fifty out of the two hundred thousand yards so awarded were made to depend upon a future appropriation of money to be made by Congress; that then and there, by the usual course and practice of the House of Representatives, all bills for such appropriations would be referred to, and reported from, the Committee of Appropriations, of which the said Garfield was a member, and the chairman thereof,—the said plaintiff, and the said J. A. Garfield and the said Board of Public Works, severally, then and there well knowing that the said J. A. Garfield did, could and would, from his official position, exert a potent influence in procuring such appropriations by Congress for the purpose mentioned in said award; and the defendants say, that by means of the said premises, the said award of contract mentioned in the said declaration was then and there illegal, improper, against public policy and void. And this the said defendants are ready to verify; wherefore they pray judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against them."

3d. In another and further special plea, the defendants, amongst other things, alleged as follows:

"That sometime in the latter part of May, 1872, and while the Congress of the United States was in session, and before any appropriation for that year had been made by that body for improvements to be made in the streets of Washington, in the District of Columbia, the plaintiff then and there represented to the said De Golyer and McClellan, that through one R. C. Parsons (then marshal of the Supreme Court of the United States), he had secured the influence of General James A. Garfield (then a Representative in the House of Representatives in the Congress of the United States, and Chairman of the Committee on Appropriations of the said House of Representatives), to be used in behalf of the said De Golyer & McClellan in the application for pavement contracts from the Board of Public Works of the District of Columbia; that by letter dated at the Arlington House, Washington, District of Columbia, addressed to said De Golyer & McClellan at Chicago aforesaid, he stated among other things that Col. Parsons had arrived; that 'the influence of General Garfield had been secured by yesterday, last night, and to-day's labors; he carries the purse of the United States—the Chairman of the Committee on Appropriations, and is the strongest man in Congress and with our friends. My demand is to-day *not* less than one hundred thousand more—two hundred thousand in all. Every thing is in the best of shape—the connections complete, and I have reason to believe satisfactory.

"'The model is in Gen. Garfield's house—sent there last night;—note, you will be ready to leave on the first train when telegraphed to. I can hardly realize that we have Gen. Garfield with us. It is rare, and very gratifying. All appropriations of the district come from him."

The plea then avers that Garfield appeared before said board as set out in former plea, that the award of said contract with the conditions as set out in the other plea, was made, and goes on to aver:

"That then and there the said J. A. Garfield was a member of the House of Representatives, in which all bills to appropriate money originate; that he was then and there Chairman of the Committee on Appropriations of the House of Representatives, to which committee, by the rules and practice of said House, all bills to appropriate money to be expended in the said District of Columbia must be and are referred ; that then and there it was well known to the said Richard C. Parsons, James A. Garfield, Alexander R. Shepherd, the plaintiff, and the said De Golyer & McClellan, that the said J. A. Garfield then and there, and thereafter, in his official character as a member of said House of Representatives, and as chairman of the said committee, did, could and would exert and exercise a potent influence in and upon the said committee, and upon the said House of Representatives, in reporting to and passing through said House bills to appropriate moneys to be expended in the said District of Columbia, in and upon the said pavements to be awarded by the said Board of Public Works.

"The defendants aver that then and thereby, and by means thereof, the said A. R. Shepherd, as a member of said board, and the said Board of Public Works was moved and induced to make, and, in fact, did make the said award and contract above set out and described in the declaration, and not otherwise.

"And these defendants further say: that afterwards, to wit, on the 10th day of July, 1872, at Chicago aforesaid, in consideration thereof, and of the services and official influence rendered and given as aforesaid by the said James A. Garfield, and the said R. C. Parsons, the said De Golyer & McClellan made their certain draft for ten thousand dollars, and delivered the same to the said Parsons, at Cleveland, which said draft was duly paid, that then and there the one half, or the sum of $5,000, was paid to the said J. A. Garfield for his services and official influence &c.; that it was to be paid as a contingent fee, and was to be paid only upon the condition that the said award should be granted by the said Board of Public Works, and not otherwise, as was then and there agreed between the said plaintiff and the said Parsons for himself and for the said Garfield.

"And these defendants further say, that afterwards, at Washington aforesaid, the said Committee on Appropriations did recommend the passage, and the House of Representatives did pass, a bill appropriating large sums of money, which said bill passed Congress, and was approved January 8, 1873, for the sum of $1,241,920.92, out of which said sum the said Board of Public Works were authorized to pay the said sum of money agreed to be paid by said contract and award.

"And the said defendants further aver that the award was, in fact, mainly procured by the official influence of the said Garfield alone.

"And the defendants say that by means of the premises the said award and contract were then and there illegal, improper, against public policy, and void, &c.—And this the said defendants are ready to verify, &c., wherefore, they pray judgment," &c.

STATEMENT OF DEFENDANT'S COUNSEL.

When the matter came on to be heard, I, as counsel for the defendants, submitted a brief in writing, of which the fourth, fifth, and sixth points are as follows, viz.:

4th. The pleas are good. They set out in substance that the contract was obtained by the plaintiff of the Board of Public Works of the District of Columbia by improper influences. That the contract was in part to the amount of 50,000 square yards, upon its face, contingent upon a future appropriation to be made by Congress; that the plaintiff employed James A. Garfield, then being a member of Congress and Chairman of the Committee on Appropriations of the House of Representatives, agreeing to pay him a contingent fee of $5,000, provided he would obtain the said contract of the Board of Public Works; that by his influence and persuasion he did procure the same, for which he received the sum of $5,000; that afterwards a bill was reported from the committee of which he was chairman, and did pass the house, and passed Congress and became a law, appropriating the sum of $1,241,000. out of which the pavement under said contract could be paid for by said Board of Public Works; that the plaintiff and the defendant, and the said Garfield and the members ot the said Board of Public Works, well knew at the time of his said employment, and at the time of his service in procuring said contract, that said Garfield, from his official position, did and would have a potent influence in procuring the passage of such appropriation to carry such contract into effect by said Board of Public Works; and that by means of the premises the said contract was, in fact, obtained by improper influences, against public policy, and is void.

5th. It is no sufficient answer to say that Garfield was at the same time a member of the legal profession. His being a member of Congress at the same time, any employment as counsel upon a contingent fee or otherwise to obtain a contract from a board of public officers, dependent upon the future action of Congress to fulfill, is against public policy, and is void.

6th. That the plaintiff Chittenden well knew, and *intended*, that the influence of General Garfield as a member of Congress was to be used in procuring the contract rather than his arguments as a counsellor-at-law, is evident from his letter to the defendants, set out in their special plea, in which he says: "The influence of General Garfield has been secured by yesterday, last night and to-day's labors. He carries the purse of the United States—the chairman of the Committee on Appropriations—and is the strongest man in Congress and with our friends. My demand is to-day not less than one hundred thousand more—two hundred in all. Everything is in the best shape, the connections complete, and I have reason to believe satisfactory. * * * I can hardly realize that we have General Garfield with us. It is rare, and very gratifying. All the appropriations of the District come from him."

In the recent case of Burke *vs.* Child, not yet reported (May, 1875), decided at the last October Term of the Supreme Court of the United States, Mr. Justice Swayne, in a very able opinion, reviews all the cases, and holds: That a contract, express or implied, for purely professional services is valid. Within this category he includes drafting a petition, attendance on taking testimony, collecting facts, preparing arguments and submitting them, orally or in writing, to a committee or other proper authority.

But such services are separated by a broad line from personal solicitation and from official influence.

The agreement with Gen. Garfield, a member of Congress, to pay him $5,000 as a contingent fee, for procuring a contract which was itself made to depend upon a future appropriation by Congress, which appropriation could only come from a committee of which he was chairman, was a sale of official influence, which no veil can cover, against the plainest principles of public policy. No counselor-at-law, while holding high office, has a right to put himself in a position of temptation; and, under pretense of making a legal argument, exert his official influence upon public officers dependent upon his future action.

Certainly the courts of justice will never lend themselves to enforce contracts obtained by such influences.

The court [Judge Farwell presiding] overruled the demurrer; held the special pleas to be good; and, that the contract was void as against public policy. That ended the case.

Respectfully yours,

J. R. DOOLITTLE.

THE SANBORN FRAUDS.

A Republican Congress passed an act approved June 21st, 1870, which authorized the Secretary of the Treasury to make contracts with persons having knowledge of money due to the United States for its collection. This law turned loose upon the country a swarm of informers and spies. Blackmailing was legalized, The oldest and most respectable business men in the country became the prey of disreputable creatures who made use of some private peccadillo to extort money from them under the pretence of collecting money due the government, on account of a failure, in the past, to comply exactly with the terms of the revenue laws. Very little of the money thus obtained ever found its way into the Federal treasury. This system of extortion and blackmail became so odious that both Houses of Congress in May, 1872, voted to repeal the law creating the moiety system.

This disreputable business under the law of 1870 was open to any depraved characters who might engage in it. Two men, W. H. Kelsey, an ex-member of Congress from New York, and John D. Sanborn, of Massachusetts, a friend of Secretaries Boutwell and Richardson, appear to have conceived the idea of having an act of Congress passed which would give them and their tools a wide field in which to practice their nefarious business. It is pretty clear that at least one of the Assistant Secretaries of the Treasury was a partner in this jobbery. He made his official position so subservient to that object that Sanborn was allowed $173,390 for three months'work between, October 1st, 1873, and January 9th, 1874, and this too, after the House of Representatives had taken the initiative step towards investigating the business.

It was the intention at first of Kelsey and Sanborn to introduce their proposed measure in the House of Representatives, but some of the members of the Committee of Appropriations were known to be hostile to the system of moieties in any form. They therefore determined to begin in the Senate. Frederick A. Sawyer, afterwards Assistant Secretary of the Treasury, was then in the Senate. He had placed upon the Legislative, Executive and Judicial Appropriation Bill an amendment in these words:

> And from and after the passage of this act, the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the government in discovering and collecting any money belonging to the United States, whenever the same shall be withheld by any person or corporations, upon such terms and conditions as he shall deem best for the interest of the United States; but no compensation shall be paid to such persons, except out of the money and property so secured.

GEN. GARFIELD AS USUAL SUBSERVIENT.

There was no discussion whatever in the Senate. This amendment was adopted upon the assurance that large sums of money were withheld improperly from the treasury which could be collected by this means. The Legislative, Executive and Judicial Appropriation Bill, as amended by the Senate, was reported to the House of Representatives April 8th, 1872. Instead of concurring in the Senate, amendment above quoted, the House not only rejected it, but passed an act repealing the moiety act of June 21st, 1870. This sharp reply of the House to the Senate was not decisive. On the 12th of April when the House had completed the consideration of the bill, the Chairman of the Committee on Appropriations, General Garfield said:

> I rise to a question of privilege. It will quicken action upon the Legislative Appropriation Bill if the House asks for a conference on the disagreeing votes, and let it go back to the Senate again. I ask that the bill be returned to the Senate, with the amendments that we have concurred in, and that a conference be asked upon the disagreeing votes of the two Houses.

Gen. Garfield was evidently in a hurry to get the bill into the Conference Committee. He was not willing to wait for the Senate to accept or reject the action of the House. His motion to ask for a Committee of Conference was adopted, and the Speaker appointed as conferees on the part of the House Mr. Garfield, Mr. Freeman Clark and Mr. Niblack. On the 19th of April, the Senate appointed Mr. Cole, Mr. Morrill of Vermont, and Mr. Sawyer on their side. On the 22d of April, three days later, the bill was reported from these conferees to the Senate, but was not acted upon at that time. Senator Cole, however, took occasion to inform that body that Gen. Garfield was very urgent to get it through, or to use his own words—

> I have information from the Chairman of the Committee on Appropriations of the House that it is very desirable for the Senate to act upon *this report at an early hour to-day in order that it may be disposed of in that body.* It has to be reported here first under the orders of the two Houses.

On April 24th, the report of the Conference Committee was read in the Senate. The House conferees had receded from the disagreement to the Senate amendment in regard to moieties. Mr. Cole, in explaining the action of the Conference Committee, said :

> The conferees on the part of the House agree to the next amendment, the 34th, authorizing the Secretary of the Treasury to employ not exceeding three persons to assist the regular officers in collecting taxes and dues which are withheld from the treasury.

Gen. Garfield made the Conference report to the House on the 26th of April and endeavored to drive it through without debate. We quote from the *Globe :*

> Mr. Garfield of Ohio : If I can have the attention of the House for a few minutes—
>
> Mr. Randall : Allow me to make a suggestion. It is now twenty minutes to five o'clock. We cannot understand this report from its reading by the clerk and shall have to listen to a long explanation from the Chairman of the Committee on Appropriations. There are some features of this report to which there undoubtedly will be objection. I therefore suggest that it be allowed to go over until Monday.
>
> Mr. Garfield of Ohio : I would cheerfully do that, but for one thing. This is a very long bill, and the enrolling clerks ought to have to-morrow to prepare it for signature. I think the gentleman will find that the points to which objection will be made are very few, and they can be stated in a very few minutes.
>
> Mr. Speer of Pennsylvania : This bill will not go into effect until the 1st of July next. What is the great necessity for this hurry about it ?
>
> Mr. Garfield of Ohio : I believe I can state in six minutes all that is needed in the way of explanation.
>
> Mr. Dickey : The House is not full ; and if in a full House this report should be rejected, then all the labor of the enrolling clerks will be lost.
>
> Mr. Randall : It would be very satisfactory to have more time for consideration.
>
> Mr. Farnsworth : Some of these amendments will give rise to discussion.
>
> Mr. Hale : There will be some opposition to portions of this Conference report. Undoubtedly the explanation of the Chairman of the Committee on Appropriations will be satisfactory as far as it goes, but this report is an important one, and there has been no opportunity to examine it in detail. In view of that fact, and also that there may not be a quorum here now, I suggest whether it would not be better to let this report go over until next week.
>
> Mr. Garfield of Ohio : If my colleague on the Committee on Appropriations (Hale) desires a postponement of this report, I certainly have no personal preferences of my own to oppose it.
>
> Mr. Hale : I do not wish postponement put on that ground at all.

HAND IN GLOVE WITH SANBORN SAWYER.

The attempt to gag the House and force the Sanborn bill through when a quorum was not present, had to be abandoned that day. When the report was next called up, in stating the results of the conference, General Garfield did not even name the thirty-fourth amendment. He simply said :

> The material put in by the Committee of Conference is very slight and is only found in the words of this report printed in italics. If there are special points upon which gentlemen desire to ask a question, I will now yield for that purpose.
>
> * * * * * * * * * * *
>
> Mr. Farnsworth : I object to that part of the report of the Committee of Conference which allows the Senate amendment to stand authorizing the Secretary of the Treasury to appoint commissioners or agents for the purpose of gathering up certain property. I understand that the Secretary of the Treasury does not wish the enactment of any such provision. I am opposed to a proposition of that kind upon the ground I have always advocated, that we should abandon the system of spies and informers. These commissioners, as I understand, are to be appointed as spies or informers.
>
> Mr. Ambler : And the proposition is not for a general system of spies, but for a monopoly of spies, if I may so express it. Certain gentlemen are to have a monopoly of the spy system of the United States.
>
> Mr. Randall : Now when we are proposing to abolish two thousand revenue officers, here comes a proposition to increase them.
>
> Mr. Farnsworth : I suppose that proposes, if we are to have any spies, we might as well have a monopoly of them.
>
> Mr. Garfield : If we are to have any, the fewer the better, I think.
>
> Mr. Randall : It seems to me that the thirty-fourth amendment ought not to be agreed to. The House has voted I don't know how often in distinct opposition to the moiety system and the spy system. This proposition, it is true, does not contemplate the moiety system proper, so called, but a system by which the Secretary of the Treasury may divide with those gentlemen to be named by him the proceeds of prosecutions. Such a provision seems to be entirely wrong.
>
> Mr. Hale, of Maine : What I object to is this ; that these informers should be paid for assisting the proper officers of the government. What are the proper officers to do if they are not to detect these thieves and execute the laws ? What are the district attorneys and the whole paraphernalia of our courts, what are they all for unless to enforce the law and collect the money and property belonging to the government of the United States ? Shall we establish this most vicious system for the discovery of information ? I have reason for believing that the other members of that committee (Senate), had they been required, would have yielded this as a matter of concession.

What Mr. Hale stated was well known by many others. If Gen. Garfield and his co-conferers of the House had stood firm the Senate would have yielded. The moiety system was odious and public sentiment was decidedly against it. Senator Cole's language to the Senate conveys but one idea—that Mr. Garfield was desirous of having the Senate amendment adopted. Gen. Butler of Massachusetts defended the moiety system and pronounced a eulogy on Sanborn, and advocated the adoption of the Senate amendment. He was followed by Mr. Randall.

GARFIELD DID NOT WANT DISCUSSION.

> Mr. Randall: Now this provision may have reference to a higher class of plunders ; but the operation of such legislation must be the same, and at a time when we are proposing to simplify the collection of the revenue, to raise revenue from a reduced number of articles, and to collect it solely by stamps, there certainly must be no necessity for such a provision as this. I hope the House will have the good sense to vote down the proposition, as it has repeatedly heretofore voted down almost unanimously propositions of the same kind.
>
> Mr. Garfield of Ohio: No member of the Committee on Appropriations was more opposed, or is more opposed, to the idea of moieties than I. I was opposed to putting on the clause to which the several gentlemen have referred. We find the Senate making this statement. The Senate conferers told us that they had reason to believe that single corporations had covered up under the form of stock accounts and other bonds, $500,000, which ought to have been paid into the treasury as income tax, and they had reason to believe this provision would enable the Secretary of the Treasury to secure the repayment of that amount. The Senate conferers were a unit on this subject, and notwithstanding all the representations we made they would not give way. I do not believe a better result can be had if we vote a dozen conferences. I have no personal pride in this conference report ; but I say at this stage of the session, when this report has cost five sessions of the conference committee to produce the result, I should be sorry to see it defeated in this single point. I demand the previous question on the adoption of the report.
>
> Mr. Randall: I ask the gentleman to let me move to amend.
>
> Mr. Garfield of Ohio: *I cannot.*.
>
> Mr. Randall I hope the previous question will be voted down. I desire to ask a parliamentary question, whether we have not the right to have another conference to take out that portion of this report ?
>
> The Speaker: If the House so orders.
>
> Mr. Holman: Is it not further in order to move to recommit the bill if the previous question be not seconded.
>
> Mr. Garfield of Ohio: I demand the previous question.
>
> The yeas and nays were ordered.
>
> The question was taken and it was decided in the negative, yeas 80, nays 81, not voting 79.

MR. GARFIELD VOTED AYE.

> So, the report of the conference committee was not agreed to.
>
> Mr. Holman: I move to recommit the report to the committee of conference.
>
> Mr. Garfield of Ohio: I do not see how that can be done, the Senate having already acted upon this report.

Mr. Farnsworth: Would not the proper course be to appoint another committee.

The Speaker: There is nothing in the rules preventing the recommittal of the report to the same committee.

Mr. Wood: I wish to inquire if it would be in order to express the hope that the committee will stand by the action that the House has just taken?

The Speaker: The gentleman can express that hope in public or in private. [Laughter].

The question being taken on recommitting the report to the committee of conference it was agreed to.

Gen. Garfield while pretending to oppose moieties made every effort in this contest, and resorted to every maneuvre to have the Senate Sanborn amendment adopted. And when the Conference Committee came back with the old amendment, with a tale of verbiage of no value at all, and which in no manner changed its objectionable features, here is Mr. Garfield's lame defense of it:

GARFIELD'S ARGUMENT FOR THE VICIOUS LAW.

Mr. Garfield of Ohio: Mr. Speaker, there were two points especially made in the House against the Senate amendment apart from the objections which were directed against the entire principle of the proposition. The conferers have had four sessions in regard to this question. The Senate conferers were absolutely unwilling to recede from the amendment. After all these conferences we insisted that if the proposition was to be retained at all there should be safeguards to obviate special objections made in the House. The first was that irresponsible persons without character might make such representations as might induce the Secretary of the Treasury to give them a contract, and that this would be the last heard from them. The amendment in its present form, as members will have noticed if they had attended to the reading, provides, that no contracts shall be made with any person unless he first submits a written statement under oath of what he believes to be the amount of money or property withheld from the government unlawfully by any person, firm or corporation, stating also the law that he believes to be violated; and the statements are to be so specific that they may enable the Secretary of the Treasury to know where the derelict property is and its exact status. In the next place, the amendment in its present form provides as a protection against blackmailing, that any person having such contract who shall attempt to make settlement, or shall receive money in the way of settlement without an express written order from the Secretary of the Treasury to that effect, shall be deemed guilty of penal offense, and shall be punished therefor. In the third place, it is provided that frequent reports under the direction of the treasury shall be made by any person thus authorized to recover property. The committee of conference believe that the proposition in its present form obviates as fully as possible the evils apprehended by members of the House who objected to the measure. The gentleman from Pennsylvania desires to ask me a question.

Mr. Randall: Not now; I will wait until you get through.

Mr. Garfield of Ohio: I desire to call the previous question.

Mr. Randall: I do not suppose you desire to call the previous question until objections to this report have been made. It is one very objectionable even in its modified form.

Mr. Duke: I hope the gentleman from Ohio will allow it to be printed and go over to another day.

Mr. Garfield of Ohio: I demand the previous question.

Mr. Randall: I hope the previous question will not be ordered. The bill is just as offensive as it ever was.

Mr. Bingham: Debate is not in order, the previous question having been called.

Mr. Farnsworth: I should like to ask the gentleman from Ohio whether any change has been made on the subject of increase and salary.

Mr. Garfield of Ohio: There has been no change. I demand the previous question.

Mr. Randall: I move the House adjourn if the gentleman will not give me time to discuss it.

The House divided, and there were ayes, 71, noes, 79.

Mr. Randall demanded tellers.

Tellers were ordered, and Mr. Randall and Mr. Garfield of Ohio were appointed.

Mr. Sargent: I do not think there is any necessity for going on with the motion to adjourn. There is no objection to some reasonable time being given for debate.

Mr. Cox: It was refused, and I object to debate now.

Mr. Garfield of Ohio: I was willing to yield any reasonable time for debate.

Mr. Randall: You had a very strange way of showing your willingness.

Mr. Garfield of Ohio: Don't quarrel or we will go on.

Mr. Cox: Well, go on.

The House again divided, and the tellers reported ayes, 61; noes, 68.

Mr. Garfield of Ohio: If the gentleman desires to speak for a few minutes I do not object, but I am willing to withdraw the previous question.

Mr. Randall: There ought to be some debate upon this important question.

Mr. Cox: I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken and it was decided in the negative. Yeas 70, noes 103; not voting 67.

So the House refused to adjourn.

The previous question was seconded and the main question ordered.

Mr. Randall demanded the yeas and nays.

They were ordered.

The question on agreeing to the report of the Committee of Conference was then voted on and resulted yeas 87, noes 77; not voting 76.

GENERAL GARFIELD VOTED AYE.

During the few days that intervened between those two votes the Sanborn Ring conquered the prejudices of some of their adversaries, persuaded others to stay away, and converted their first defeat into a majority of ten in which the party lines were closely drawn.

One of the strongest reasons for the sudden conversion was Gen. Garfield's statement that the amendment had been guarded so as to protect the treasury. Experience has shown that these pretended safeguards were only contrived to pass the amendments ; for all the excesses which brought such scandal on the treasury and compelled Congress to repeal the law, were perpetrated under it. They helped rather than harmed the Sanborn Ring in their operations.

THE SANBORN FRAUDS INVESTIGATED.

The House of Representatives, February 13th, 1874, directed the Committee of Ways and Means to investigate the operations of Sanborn and others under the moiety law which Gen. Garfield had succeeded in 1872 in passing. The investigation was thorough. Hon. Charles Foster of Ohio then a member of the Ways and Means committee, now Governor of Ohio, was active in the prosecution of this inquiry. In their report (*see H. R. Report* 559, 43*d Congress* 1*st Sess., page* 1) the Committee of Ways and Means say:

> The Forty-second Congress at its second session reported a law which provided for the payment of moieties to informers, so far as related to internal revenue tax ; but in the last hours of the same session, and by means of a committee of conference, there was engrafted on the Legislative, Executive, and Judicial Appropriation Bill, a provision of seemingly so slight significance, as to have been added as the last half of a sentence, in one of the usual paragraphs relating to the Internal Revenue Bureau.

Under this provision of "seemingly so slight significance," contracts were made with Sanborn and his partners in over 5,000 cases. The names of the parties, companies, public bodies, foreign and domestic, fills over 50 printed pages of the report of the committee, involving transactions covering hundreds of millions of dollars. The informers were to have 50 per cent. of the gross sum collected and paid over to the treasury. The committee, in their report, page 3, say:

HOW THE GOVERNMENT WAS ROBBED.

> The committee find that the information furnished by the regular officers of the government on which collections were made, was placed at the disposal of Sanborn, to avail himself of information paid for by the government, and obtain contracts for the collection of the very claims thus brought to light and found to be due the government.
>
> It further appears from the testimony of Sanborn, that when he applied for this railroad contract, he furnished a list of railroads taken from the railroad manuals and guides, comprising the names of 592 railroad companies, being substantially the entire list of railroads within the United States. Sanborn made affidavit that all of these 592 railroad companies were delinquents.
>
> The committee cannot ascertain that the Commissioner of Internal Revenue, or any officer of his department, was before, at the time, or since the contracts were made, or that he was advised as to the making of the contracts, or of the character of the claims that was intended thereby to be collected. No communication on the subject ever passed from the office of the secretary to that of the commissioner. No order in regard to it was ever issued from the commissioner's office, nor were any collections or other actions of his subordinates ever reported to them until after action was taken in the House, calling upon the secretary for information in relation to these collections. In fact, it is shown that the commissioner wrote a letter, protesting against the manner of these collections, to the secretary, which has never been answered. * * * *
>
> The whole power of the Internal Revenue Bureau, as well as the entire machinery of the government for the collection of taxes, was placed at the disposal of Sanborn. * * * The evidence of Supervisors Hawley and Simmons shows that they regarded these appropriations as requiring them to assist Sanborn at all times, and to the utmost of their ability, in the collection of taxes, in whatever case he might desire their aid. It is also shown by these witnesses that they did place at his disposal officers under their control in the pay of the Revenue Bureau, and who did collect while in such employ, and under such pay, much the largest part of the total amount credited as collected by Sanborn, and on which he received 50 per cent.
>
> The committee find that some of the agents of Sanborn, who were not employees of the government, were, without authority of law, furnished by the Secretary and Assistant Secretary of the Treasury, with special letters to the supervisors and collectors throughout the country, calling upon such officers to aid and assist them as they might require. In addition to this, to more completely arm them with power, two of these same agents were furnished with secret service detectives commissioned by the Solicitor of the Treasury.

THE MONEY COULD HAVE BEEN COLLECTED WITHOUT CONTRACT.

> It is the opinion of the committee that a very large percentage, if not all of the $427,000 of taxes collected by Sanborn, were not a proper subject of contract under the law. All of these taxes should, or would have been collected by the Internal Revenue Bureau in the ordinary discharge of their duty. * * * * * * * * * * * *

It is shown by the evidence before the committee that about $10,000 was collected by Supervisors Hawley and Simmons from taxes imposed by Schedule C of the Internal Revenue law, for the collection of which no contract was made with Sanborn or any one else. Nevertheless, Sanborn claimed and was allowed 50 per cent. thereof. By the testimony of Mr. Odell, Treasurer of the Delaware, Lackawanna and Western Railroad Company, and that of Supervisor Hawley, it very clearly appears that the sums collected from that railroad—being about $100,000—were well known to the Internal Revenue officers, and are collected by them, which collection should have been made in the ordinary discharge of their duties, and without cost to the government.

WHO WAS RESPONSIBLE.

The Ways and Means Committee endeavored to ascertain where the responsibility rested in the Treasury Department for this gross dereliction of duty, but they were unable to do it. In their report they say:

The committee feeling alarmed at the apparent looseness with which the law has been administered, were desirous of ascertaining where the responsibility rested. It would seem to belong somewhere in the Treasury Department. They have had before them the Secretary, Assistant Secretary Sawyer and the Solicitor of the Treasury. The Secretary gave but little information, and exhibited an entire want of knowledge as to the manner of making the contracts, administering the law, or of the provisions of the law itself. His only connection so far as he could remember, with this transaction, was in affixing his signature to the various papers presented, as a mere matter of office routine, without knowing their contents.

The Assistant Secretary disclaimed any particular knowledge of the law of contracts, and in like manner affixed his signature as a matter of office routine. The Secretary and Assistant Secretary by their testimony show that the papers were prepared by the Solicitor of the Treasury, thus indicating a responsibility upon him. The Solicitor of the Treasury in turn testified that he is simply the law officer of the Treasury Department and a subordinate of the Secretary of the Treasury, without any power in regard to the administration of this law, except that expressly given by the Secretary; that he had consulted in every instance with the Secretary and Assistant Secretary of the Treasury; that he had in all cases simply obeyed the directions of his superior officers, and that the contracts or various orders of the department, were well known to the Secretary and Assistant Secretary. * * *

Under this law $427,000 was collected and paid into the treasury. Of this amount Sanborn received $218,500.

Judge Noah Davis, of New York, then United States District Attorney, was one of the witnesses examined by the committee. He said that he knew of no law that allowed the Secretary of the Treasury to make contracts with any person by which he was to be paid more than five per cent. for the collection of money. He further said that Sanborn came to him, and desired to make an arrangement by which some of these collections could be made through his office, and offered to divide with him, but that he declined.

George Bliss, who succeeded Judge Davis as United States District Attorney at New York, was more subservient. He testified that he assisted Sanborn in making his collections, and received five per cent., which in a very short time amounted to $12,000. The collections that were made through the District Attorney's office were principally in cases of legacy and succession taxes. The Ways and Means Committee, in their report, say in regard to this:

It is clear that legacy and succession taxes should not have been made a matter of contract.

THE LEGACY AND SUCCESSION TAX SWINDLE.

J. D. Coughlin, of New York, testified as follows:

While I was assistant assessor of succession and legacy for the County of New York, I, with one or two assistants that the department gave me, collected from $100,000 to $500,000 a year, as the records of the Internal Revenue Department will show. The salary of an assistant assessor was $1,500 a year.

Q. Thus a neglect to collect was a dereliction of duty on the part of the Internal Revenue officer? A. Yes; it was entirely a dereliction of duty on the part of that officer.

Q. You were well aware of this, and made application to the Secretary of the Treasury for a collecting contract, did you not? A. Yes; I made such application soon after I went out of office as assistant assessor.

Q. While you were still acting as an officer of the government, why did you not inform other officers of the government, that they might be able to make collections. ? A. Because I knew if the government was going to collect taxes at 50 per cent., I would be the best person, because I knew how to get on with the business.

Q. Why did not the Secretary give you a contract a 15 per cent. ? A. I don't know.

Q. Did he ever write any answer to your application ? A. No, sir.

THE REPEAL OF THE INIQUITOUS LAW.

The exposure of the Sanborn frauds excited such universal indignation throughout the country and aroused public sentiment to such a pitch, that Congress, on June 20, 1874, unconditionally repealed the law which Mr. Garfield had contributed so much to enact. The repealing act provides that :

> The Secretary of the Treasury is authorized to revoke and annul all contracts for the collection of such taxes made under and by authority of said act ; that the Court of Claims shall have no authority to consider or decide upon any claims for damages by reason of the discontinuance of the contracts aforesaid, or for any profits or percentage under them.

THE REPEALING ACT DEFIED.

This repealing act has been openly violated. The proof of this is contained in the last "estimates of deficiencies" for the year ending June 30, 1880 (*See Ex. Doc.* 34, *H.R.* 46 *Cong.*, 2*d Sess.*) In this John Sherman asks for an appropriation to meet a deficiency "for detecting and bringing to trial persons violating the internal revenue laws, including payment for information and detection."

On page 24 of this official document is a "Schedule of accounts found due by the First Comptroller," to certain spies and informers, for the fiscal year 1878. In this schedule are 31 names, and the total amount asked for is $7,547.35. J. D. Sanborn is one of the persons for whom an appropriation is asked. Five distinct claims presented by Sanborn, and "found due by the First Comptroller," are printed in this list, aggregating $5,033,60.

THE NEW YORK TRIBUNE ON THE SWINDLE.

The New York Tribune of February 27, 1873, in commenting on Mr. Garfield's law creating a monopoly of informers and spies, says :

> Elsewhere we publish an accurate account of a *Washington job*, connected with the collection o overdue taxes, under the Internal Revenue laws. It would be difficult to credit the statements bu for the proofs furnished by the records of Congress. There are now due to the Uuited State some four or five millions of dollars from legacy and succession taxes. *These taxes are mor easily collected* than any other form of revenue under the Excise laws, for the reason that *a bequests are matters of public record, which may be examined by revenue officers or anybody els* Yet Congress was persuaded to pass an act in 1872, authorizing the Secretary of the Treasury t bestow upon not more than three of his favored friends, as commissioners for collecting thes taxes, such portion of the four or five millions as might seem good in his eyes ; and perhaps, i these days of Credit Mobilier and other gigantic swindles, we should put it down to the credit o the Secretary that he has decided not to give away more than a million and a half of this sum.
>
> The same statements show that Assistant-Assessor Coughlin, of this city, has been heretofo assessing these taxes at an expense to the government of *less than one per cent.* upon the amou which he assessed and caused to be collected.
>
> THIS SWINDLE *was smuggled into an appropriation bill* ; but if Congress happens to be in a economic mood, there is yet time and opportunity to repeal or modify the act through any one the several appropriation bills which still await final action.

THE BACK-PAY GRAB & SALARY STEAL.

The part which Gen. Garfield played in the back-pay grab and salary steal, was not at the time properly understood by the country. His connection with this record was marked by duplicity and secret connivance, and in the end by open advocacy of the infamous law, which excited universal detestation, and left all connected with it branded with lasting disgrace.

But for him the opportunity by which Gen. Butler succeeded, after a first defeat, in getting an amendment attached to the Legislative, Executive and Judicial Appropriation Bill, would never have offered. With that entering wedge, the rest was made easy; without it, the task was hopeless.

It is necessary, in order to comprehend the course of Congressional proceedings, and Gen. Garfield's connection with the legislation of the Forty-second Congress, by which the back-pay and salary steal was made possible, to take a brief retrospect. The salary of the President of the United States had already been appropriated to the 30th of June, 1873. The legislation which Gen. Garfield so signally assisted, doubled the pay of the President, and extended it back to the fourth of March, in utter disregard of the fiscal year. On the 7th of February, 1873, Gen. Butler reported a bill from the Judiciary Committee to double the pay of the President and increase the salaries of the Vice-President, Cabinet, Justices of the Supreme Court, and Congress.

The project had long been canvassed, and it only waited a favorable chance to be tested. Some of the most anxious advocates were the most timid about an open support of a proposition which, in 1816, had consigned a former Congress to an ignominious political grave. The avarice of others was stronger than their apprehensions.

THE FIRST EXPERIMENT.

On the 10th of February, 1873, the first experiment was tried upon the House and public opinion, when Gen. Butler moved to suspend the rules, so as to attach his Salary Bill as an amendment to the Miscellaneous Appropriation Bill then pending. That motion required two-thirds, but it was beaten by a majority of thirty-nine, which included some of the strongest friends of the plunder, who voted for effect. The first fire was thus drawn, and Butler knew exactly where to plant his batteries.

The knowing ones were not at all disheartened. They knew their real strength, how much aid would be needed at a pinch, and who could furnish it without unnecessary sacrifices. After that preliminary skirmish there was a suspension of operations for a fortnight. In the meantime bargains were made and plans perfected. That there was concert and secret understanding between Butler and Garfield was publicly charged at the time, and has been believed ever since.

The Legislative, Executive and Judicial Appropriation Bill came back from the

Senate on the 24th of February, loaded down with nearly a hundred amendments. The natural course was to have them printed and allow members a chance to examine the items before calling up the bill. Gen. Garfield, however, adopted another policy, and doubtless with sufficient private reasons that he did not divulge. The *Globe* helps to lift the veil. *After ten o'clock at night,* and suddenly, Gen. Garfield appeared and said :

GARFIELD OPENING THE DOOR.

Mr. Garfield: I rise to call up the Legislative Appropriation Bill.

This motion was followed by others from various quarters with bills of a public nature, claiming early attention. In the midst of much confusion—

Mr. Randall : I demand the regular order of business. I insist the gentleman from Ohio (Mr. Garfield) shall go on with the Appropriation Bill or yield the floor unconditionally

The Speaker: What has been going on *has been going on by the sufferance of the gentleman from Ohio.* What has been going on has been permissive. The Chair will advise the House it is his duty to recognize the Appropriation Bills before any and all other business whatever, except privileged questions.

Mr. Garfield yielded to Mr. Wilson to report a bill, and then said:

Mr. Garfield, of Ohio: The bill now has the precedence of other business, and I hope the House will adjourn.

Many members: No, no.

Mr. Garfield, of Ohio: Then I move that the House resolve itself into committee of the whole on the State of the Union for the consideration of the amendments of the Senate to the Legislative, Executive and Judicial Appropriation Bill.

Mr. Holman: I suggest that the amendment be considered in the House.

Objection was made.

The Speaker: If objection is made, the motion of the gentleman from Indiana (Mr. Holman) can only be passed under a suspension of the rules.

Mr. Holman : Then I move that the rules be suspended, so as to allow the bill and amendments to be considered in the House as in Committee of the Whole.

The question being put on Mr. Holman's motion, it was not agreed to, two-thirds not voting therefor.

Mr. Hawley, of Connecticut: *I hope it will be known what all this means.*

Mr. Shanks: We know what it means as well as the gentleman from Connecticut does.

Suspicion was awakened by this sharp turn in the proceedings, and the back-pay grabbers were quick to rebuke Gen. Hawley for suggesting it.

General Garfield now took the lead of the House by right of his position, and controlled it to suit the scheme which he clandestinely favored. He could advocate adjournments ostensibly, and yet by passive connivance allow them to be voted down, so as to prepare the way for Butler, who was waiting for his preconcerted chance. Then followed:

Mr. Garfield: Pending the motion that the House resolve itself into Committee of the Whole, I move that all general debate be limited to five minutes.

Mr. Randall: I renew the motion that the House do now adjourn.

The motion that the House adjourn was not agreed to.

The question recurred on the motion that all general debates be limited to five minutes, and it was agreed to.

Mr. Garfield, of Ohio: I now ask for a vote on the motion that the rules be suspended and that the House resolve itself into Committee of the Whole on the special order.

The question being put on the motion of Mr. Garfield, of Ohio, that the rules be suspended and the House resolve itself into Committee of the Whole on the Senate amendments to the Legislative, Executive and Judicial Appropriation Bill, it was agreed to—years, 86; nays, 49.

The House then resolved itself into Committee of the Whole on the State of the Union. (Mr. Dawes in the chair), and proceeded to the consideration of the amendment of the Senate to the bill (H. R. No. 2,991) making appropriations for the legislative, &c., expenses of the government for the year ending June 30, 1874, and for other purposes.

Having thus opened the door late at night, General Garfield affected alarm least burglars might enter, and wanted to close it again. But there were keen eyes that were not taken in, and saw that he meant to admit confederates who had their bags ready to carry off the silver and spoons. So he rose again :

TRYING TO DECEIVE THE PEOPLE.

Mr. Garfield: Mr. Chairman, it is my desire to get this bill placed in a position where it will have precedence, and then I hope we may adjourn. Several gentlemen asked me if this bill was likely to come up to-night, as they desired to be present during its consideration, and I told them that it was not likely.

Mr. Eldredge: Why, then, did the gentleman insist on going into Committee of the Whole on the State of the Union? After he had made that pledge we tried to adjourn, but the gentleman insisted on going into Committee of the Whole on the State of the Union.

Mr. Garfield: The House insisted on going into Committee of the Whole on the State of the Union.

Mr. Eldredge: The House did not; it was the gentleman himself who insisted on it.

Mr. Garfield: On the contrary, I voted to adjourn every time. If gentlemen will send for a printed slip which accompanies this bill, they will see all the amendments. There are several battle fields in this bill, and I wish to indicate them to gentlemen, so that they may understand the matter. First, &c., * * * * * * * * *

After having pledged himself not to call up this bill, according to his own confession, and thus kept away members who were known to be hostile to the grab, he sprung it on the House, and compelled the majority to go into Committee of the Whole on the State of the Union. And when charged with this treachery he said he had "voted to adjourn every time." So he did: but he rowed one way and looked another.

At last the motive of all the trick management was made manifest, when the leader came to the front, after having been bottled up until the night had well advanced.

Mr. Butler, of Massachusetts: I move to amend the amendment reported from the Committee of the Whole, to be submitted for it what I send to the clerk's desk to be read.

The clerk read as follows:

[Here follows the salary-grab amendment.]

Mr. Hawley, of Connecticut: I raise the point of order on the amendment of the gentleman from Massachusetts (Mr. Butler), that it is not germain to the amendment reported from the Committee on Appropriations.

Mr. Holman: I raise the point of order that it is new legislation.

The Chairman: One point of order only can be entertained at a time.

The Chair [Mr. Dawes, who was in the plot] overrules the point of order of the gentleman from Connecticut (Hawley) that this amendment is not germain.

The Chair will now hear the point of order of the gentleman from Indiana.

Mr. Holman: I raise the point of order that all points of order raised against any proposition must be admitted at the same time. The gentleman from Connecticut raised the point of order that this amendment was not germain.

The Chairman: And the Chair overruled that point of order.

Mr. Holman: Then I raise the point of order that each one of the salaries enumerated in this proposed amendment is fixed by law, and the effect of this amendment is to change existing law.

The Chairman: The Chair rules that so much of this amendment as provides for an increase of salaries is in order.

Mr. Butler, of Massachusetts: And that is all there is of the amendment.

Mr. Holman: Does the Chair overrule my point of order?

The Chairman: The Chair rules that so much of this amendment as increases salaries is in order.

[An appeal was taken, and, after some debate, the decision of the Chair was, of course, sustained by the conspirators.]

Mr. Donnan: I raise the point of order that this amendment, in substance, if not verbatim, has once before during this session been negatived by the House, and that therefore it is not now in order to tack it on to an appropriation bill.

Mr. Dawes overruled the point of order made by Mr. Holman, although the House had sustained it by a decided vote on the 7th of February, when Butler moved to suspend the rules that he might attach this identical amendment to the miscellaneous bill. If the sense of the House had been squarely tested, two-thirds would have been necessary to get in the amendment. So Mr. Dawes was put in the chair to defeat all objectionable points. Then Butler delivered his prepared speech. After that Gen. Garfield had more regrets to utter for his own work:

Mr. Garfield: I regret, Mr. Chairman, this subject comes before the House at such an hour of the night as this. We ought to have fuller discussion than possible on this occasion.

A leading Republican, who had witnessed the whole scene, stood forward to denounce this hypocrisy on the spot:

GENERAL GARFIELD DENOUNCED.

Mr. E. H. Roberts: Is not this matter before the House by his action at this hour?

Mr. Garfield: I will answer the gentleman. I have myself, as the House will remember, been in favor of the motion to adjourn [very much]; but when the House does not adjourn I am bound to go on with the business with which I am charged.

Mr. E. H. Roberts: I should like to ask him if this bill could have come up to-night except on the motion of the gentleman from Ohio. * * I wish to ask another question. It is clear a majority here to-night are ready to vote for the proposition to increase salaries. The thing which the minority asks is that this vote shall be taken in daylight, under the eyes of the country.

Mr. Garfield: I desire that what has been said shall not be taken out of my time. If any gentleman in this House desires to intimate that I have done or may do any other than my duty in calling the attention of the House to the public business, I am here to answer him.

Mr. E. H. Roberts: If any gentleman assumes to put the threat on me, I am here to answer him, I do intimate that it is unusual to bring a bill including such a proposition and a vote at such an hour.

Mr. Garfield: I insist on the floor, and say this: I gave notice this afternoon to the House that I desired an evening session for the sake of bringing the Naval Appropriation and the Legislative Appropriation Bills before the House after the one hour which was devoted to the bill of the gentleman from Massachusetts (Mr. Banks), Chairman of the Committee on Foreign Affairs. Gentlemen came here with the understanding that both these bills were in order. [He had before stated that he told members this bill was not likely to come up, and sent them away.] And, sir, if any gentleman has any responsibilities anywhere relating to any of these bills, let him bear his share. I bear mine. I rose, however, to say that I not only regret that this proposition has been brought here and now, but I regret that it has been brought at all.

His regrets were profuse after the mischief was done by his own collusive management. There was a long and keen debate, but the whole thing had been set up in advance, and the result was foreshadowed, or, as the *Globe* puts it:

The question recurred on the amendment of Mr. Butler, of Massachusetts.

The committee divided, and there were: yeas, 93; nays, 71.

Thus the same amendment which was rejected by 39 majority on the 10th of February, was rushed through on a rising vote of 22 the other way on the 24th. When it came to tellers, where individuals could be seen and gazetted, it fell off to 15.

Mr. Holman demanded tellers.

Tellers were ordered, and Mr. Butler, of Massachusetts, and Mr. Garfield, of Ohio, were appointed.

The committee again divided, and the tellers reported: yeas, 81; nays, 66.

So the amendment was agreed to.

Other amendments were proposed and discussed, when

Mr. Holman: I think that at this late hour we can scarcely proceed to vote with proper deliberation upon so grave a question as this, and I move the committee rise.

The question was put, and on a division there were: yeas, 46; nays, 66.

So the motion was not agreed to.

After more discussion—

Mr. Sargent—I move that the committee rise.

The motion was agreed to, there being on division: yeas, 65; nays, 55.

The committee accordingly rose, and on motion of Mr. Randall (at 1 o'clock and 17 minutes A.M.) the House adjourned. (Pp. 1670 to 1678, *Conrgessional Globe*, third session Forty-second Congress, part third.)

General Garfield gained a victory, but the laurels, like the fruit of the Dead Sea, have since turned to ashes on his lips. There was much indignation the next day, when it came to be known that General Garfield had pressed this Appropriation Bill, after having given assurances that it would not be considered, and thus thinned out the opposition.

On the 28th of February, *just before midnight*, the bill was reported to the House from the Committee of the Whole, where the permanent record of votes had to be confronted. It began in this way:

Mr. Cox: Mr. Speaker, I want to put in my protest, as one member of this House, against increasing my own salary by my own vote. When we were elected to Congress there was an implied contract between us and the people that we should serve for so much.

Mr. Garfield: *I must make the point of order that gentlemen must confine themselves to the subject under discussion.*

Mr. Cox: Why did not the gentleman make that point upon some gentlemen on his own side?

Mr. Garfield: Well, I give notice that *after* the gentleman shall have concluded I shall make the point and insist upon it (page 1,903 *Globe.*)

After thus obstructing opposition by technical points of order, General Garfield allowed the regular business to progress until the appointed time for finishing this work. A special vote was demanded on the Butler amendment, and it was beaten by 52 majority on the yeas and nays. But that vote was not sincere, for Butler is recorded against his own proposition. In a few minutes after he moved

To reconsider the vote just taken; and pending that motion, I move that the House adjourn. The hour is late and the House is very thin. [Laughter.]

CLINCHING THE NAIL.

Nothing was now wanting but to rivet the previous action by refusing to adjourn, and then clinch it by refusing to reconsider. Everybody understood the exact issue presented. The adjournment was the test, and it prevailed by 53 majority, right in the face of the 52 majority just before recorded in the opposite sense. In this way the door was opened for reconsideration.

It is true General Garfield voted against the adjournment, just as he puts himself on the record on other tests, while co-operating with Butler. But he never raised his voice or lifted a finger to prevent the result. He had charge of the bill and control of the majority. A word from him would have ended the grab, then and there, but he did not speak it because he was sustaining what he pretended to oppose.

The next day Butler's motion to reconsider was first in order, and Mr. Farnsworth promptly moved to lay it on the table and thus finish the struggle. It was defeated by 39 majority. That told the whole story. The reconsideration needed no more momentum. The up and down vote fixing the Congressional pay followed, with a bare majority of 3, caused by a desire to save members in close districts, who, though earnest for the grab, would suffer by an affirmative record. But there was always a reserve on hand, which could have been called into action if absolutely needed. Fifty-one Republicans boldly faced the music. If only two of them had gone over, there would have been no grab.

GENERAL GARFIELD'S BASE COMPLICITY.

This brief history of the proceedings in the House traces the course of General Garfield from first to last, and fixes the responsibility directly upon him. He abused his trust, and by an act of base complicity made the opportunity to originate this outrage. And when he could have dealt it a fatal blow he sat still and passively gave the plunderers their greatest help.

The bill with this graft now went to the Senate, and from there to the hands of a committee of conference, which was the objective point from the beginning. The conspirators had got their scheme precisely where they wanted it. The conferees on the part of the House, packed by the Speaker, who was in favor of the grab from the start, were Benjamin F. Butler, Gen. James A. Garfield, one avowed and one sneaking grabber.

On the last day of the session Gen. Garfield reported the result of the conference, doubling the pay of the President and raising the pay of members of Congress from $5,000 to $7,500 retro-actively for two years, with a long catalogue of augmented salaries. He made a labored and feeble speech, intended to palliate his unworthy conduct. It was the old story so often repeated, of what the Senate conferees had exacted, and what the House had surrendered. Speaking of the salary, he said:

GENERAL GARFIELD'S HYPOCRISY.

> The Senate conferees were unanimous in favor of fixing the salary at $7,500, and cutting off all allowances except actual individual traveling expenses of a member from his home to Washington and back again once a session, and cutting off all other allowances of every kind. [Observe his effort to show the sacrifice of "allowances" by repeating it twice in a sentence.] That proposition was agreed to by a majority of the conferees on the part of the House. I was opposed to the increase in conference, as I have been opposed to it in the discussion, and in my votes here [we have seen how sincerely]; *but* my associate conferees were in favor of the Senate amendment, and *I was compelled* to *choose between signing the report* and *running the risk of bringing on an extra session. I have signed the report*, and I present it as it is, and ask the House to act on it in accordance with their best judgment.

This scarecrow of an extra session deceived everybody. There was no more danger of one then than there is now. If Gen. Garfield had resisted, even at that late hour, in a manly and decided way, instead of conniving as he did, the House would have instantly receded, and the Senate must have followed suit. He knew that perfectly well when this sham was invented to impose on the public. But if it actually involved an extra session, was it not better to call one and stamp out forever this disgraceful mode of legislation, and put an end to such plunder, than to protect bo by any acquiescence? The cost would have been cheap for such an example.

A brief discussion was permitted, from which some passages may be profitably culled:

Mr. Hibbard: I desire to ask the gentleman *how much plunder will be taken from the Treasury if this raising of salaries is adopted?*

Mr. Garfield: I am glad the gentleman has asked me that question. The report presented here, taking into account the changes made with reference to the salaries of members and officers of both houses and other increases of salaries in this bill, will, according to the best estimate I have been able to make, involve an annual increase of expenditure of about *three quarters of a million dollars.*

Mr. Hibbard: How much for the present Congress?

Mr. Garfield: For the *present Congress it involves an additional expenditure of about one and a quarter millions.* I think the House ought to know all the facts.

Mr. Dawes: Did the gentleman hear the form in which the gentleman from New Hampshire (Mr. Hibbard) put his question: *How much this "plunder" would amount to?*

Mr. Garfield: *I do not accept the gentleman's statement as to that.* It may be an unwise expenditure in some respects. *But in most cases the increase is proper, and ought to be made. It is not "plunder"* unless gentlemen here consider themselves not deserving of the promised pay. (Page 2101 *Congressional Globe.*)

GENERAL GARFIELD SHOWS HIS HAND.

At length Gen. Garfield showed his hand. He contended that "in most cases" in the bill "*the increase was proper and ought to be made,*" and declared it was "*not plunder,* unless gentlemen consider themselves not deserving the promised pay." Not content with this expression, he continued:

Mr. Garfield: I have nothing further to say, except that I wish the House *to weigh well the danger of refusing to concur in this report.* The conferees have spent ten full hours of hard work in preparing it for the consideration of the House; and *I ask gentlemen to consider the responsibility thrown upon them in acting upon this question.* I call for a vote.

The Speaker: The hour allotted to the gentleman from Ohio to close debate has expired.

Mr. Holman: I rise to a parliamentary inquiry, there being but one subject, the salary alone, in reference to which there is a division of opinion. If the House refuse to sustain this point, will it not be in order to recommit to the same committee?

The Speaker: It would be, or to order a new conference.

Mr. Holman: *We have twenty hours left in which that can be done.*

Mr. Holman demanded the yeas and nays. The yeas and nays were ordered.

The Speaker: The Chair has decided he would not entertain a motion to lay upon the table a conference report. *He is aware this ruling is somewhat different from that made by previous occupants of the chair.* He has, however, uniformly decided a conference report could not be laid on the table, because it would carry the bill with it. If the House rejects the report, that leaves the Appropriation Bill for another conference committee. To lay the report of the Committee of Conference on the table would carry the bill with it, and therefore the Chair has never entertained any such motion. That is the reason of his decision.

Mr. Donnan: I ask that the rule be read which prohibits members from voting on a question in which they are interested.

The Speaker: *That has no application here whatever.*

The question was taken, and it was decided in the affirmative—yeas 102, nays 96, not voting 42.

So the report of the Committee of Conference was adopted.

After all his dodging, trimming, equivocation, double dealing and trickery, Gen. Garfield finally voted squarely for the back-pay grab and salary steal in its worst form. And that, too, when a change of only three would have prevented the passage of this job.

THE AMOUNT STOLEN.

In addition to the two millions which Congress thus voted to themselves, there were a host of officials who shared in this sweeping spoliation, as may be seen by the following list, making a comparison between the new and old pay.

STATEMENT SHOWING THE SALARIES OF CERTAIN OFFICERS BY THE ACT OF MARCH 3, 1873, AND THE FORMER PAY OF THE SAME, EXCLUSIVE OF THE VICE-PRESIDENT, SPEAKER, AND THE TWO HOUSES OF CONGRESS.

	New pay.	*Old pay.*
President, per annum, exclusive of perquisites	$50,000	$25,000
Vice-President	10,000	8,000
Speaker of the House	10,000	8,000
Chief Justice	10,500*	8.500
Eight Associate Justices, each	10,000*	8,000
Secretary of State	10,000	8,000
Secretary of the Treasury	10,000	8,000
Secretary of War	10,000	8,000
Secretary of the Navy	10,000	8,000
Secretary of the Interior	10,000	8,000
Attorney-General	10,000	8,000
Postmaster-General	10,000	8,000
First Assistant Secretary of State	6,000	3,500
Second Assistant Secretary of State	6,000	3,500
First Assistant Secretary of the Treasury	6,000	3,500
Second Assistant Secretary of the Treasury	6,000	3,500
Assistant Secretary of the Interior	6,000	3,500
First Assistant Postmaster-General	4,000	3,500
Second Assistant Postmaster-General	4,000	3,500
Third Assistant Postmaster-General	4,000	3,500
Supervising Architect of Treasury	5,000	4,000
Examiner of Claims State Department	4,000	3,500
Solicitor of the Treasury	4,000	3,500
Commissioner of Agriculture	4,000	3,000
Commissioner of Customs	4,000	3,000
First Auditor of the Treasury	4,000	3,000
Second Auditor of the Treasury	4,000	3,000
Third Auditor of the Treasury	4,000	3,000
Fourth Auditor of the Treasury	4,000	3,000
Fifth Auditor of the Treasury	4,000	3,000
Auditor for Post Office Department	4,000	3,000
Commissioner of Land Office	4,000	3,000
Commissioner of Pensions	$4,000	$3,000
Superintendent Money-Order System	4,000	3,000
Superintendent Foreign Mails	4,000	3,000
Chief First Diplomatic Bureau, State Department	2,400	1,800
Chief Second Diplomatic Bureau, State Department	2,400	1,800
Chief First Consular Bureau	2,400	1,600
Chief Second Consular Bureau	2,400	1,600
Chief First Bureau Indexes and Archives	2,400	1,600
Chief Second Bureau Indexes and Archives	2,400	1,600
Secretary of Senate	5,000	4,320
Clerk House of Representatives	5,000	4,320
Chief Clerk House of Representatives	3,600	3,000
Journal Clerk House of Representatives	3,600	3,000
Doorkeeper House of Representatives	3,000	2,592
Assistant Doorkeeper House of Representatives	3,000	2,592
Chief Engineer House of Representatives	2,592	2,160
Six clerks House of Representatives, each	3,000	2,592
One clerk	3,000	2,520
Ten clerks, each	2,500	2,160
Four clerks, each	2,000	1,800
Postmaster Senate	2,592	2,400
Assistant Postmaster Senate	2,000	1,728
Two mail carriers, each	1,700	1,200
Superintendent Documents Room Senate	2,500	2,160
First Assistant Superintendent Documents Room Senate	2,500	1,440
Second Assistant Superintendent Documents Room Senate	1,800	1,441

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* The pay of the Supreme Court had been revised in 1870.

A GENERAL STEAL.

Five reporters of the House were made permanent officers, with a salary of $4,380 each, exclusive of extras. Even this wanton extravagance did not suffice for the corruptionists. Their hand was in and they made the people's money fly by a proviso giving 15 per cent. in addition to all the employees of Congress whose salaries had been thus raised, and to others who had not the effrontery to demand an increase, and then to date this percentage back two years, as they did for themselves. Here is the profligate proviso to speak for itself :

> And it is hereby provided that the increase of compensation to the officers, clerks, and others in the employ of the Senate and House of Representatives provided for by this act *shall begin with the present Congress;* and the pay of all the present employees of the Senate and House of Representatives, including the employees in the library of Congress, and those under the Commissioner of Public Buildings and Grounds now employed in the Capitol building, and also the House reporters, whose pay has not been specifically increased by this act, holding their places by appointment under the respective officers thereof, or by the authority of the Committee of Contingent expenses of the Senate, or the Committee of Accounts of the House, be increased fifteen per centum of their present compensation on the amount actually received, and payable to them respectively *from the beginning of the present Congress*, or from the date of their appointment during the present Congress, and who shall be actually employed at the passage of this act.

Pressed by popular resentment and the dread of the coming elections, Congress reluctantly repealed this legislation at the recent session. But in March they undid a portion of what they had done in January, and raised many salaries still higher than they stood in the bill of abominations. The reporters, for instance, are allowed $5,000 a year, when they only average nine months of work on a Congress of two years, and have all the rest of the time at their own disposition.

One of the first acts of the Democrats when they obtained control of the House of Representatives was to reduce the salaries of all the employees of that body to the old standard, cutting off not only the increase by the back-pay grab and salary steal act, but various other addition which the Republican majority had at various time made.

GENERAL GARFIELD TOOK THE SWAG BUT WAS AFRAID TO KEEP IT.

General Garfield promptly drew his back pay, which amounted to $4,548.

The indignation of the people at this bold steal by their representatives scarcely knew bounds. The constituents of the 102 members of Congress who voted for the back-pay grab and salary steal, immediately assembled in their respective Congress Districts and passed resolutions condemning their unfaithful representatives. The Republicans of General Garfield's district assembled in convention at Warren, Trumbull County, Ohio, March 26, and adopted a resolution asking him to resign his seat in the House of Representatives, and declaring that by voting for the retroactive salary bill, he had forfeited the confidence of his constituents. General Garfield had not the courage to defend his course. He kept the money nearly six weeks, however, after the adjournment of Congress, and then surreptitiously returned it to the treasury.

He did not do this, however, through the Sergeant-at-Arms of the House of Representatives, but had it deposited to his credit with the Treasurer of the United States. The following letter from the Assistant Secretary of the Treasury, shows how he returned the money:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, June 22, 1880.

H. DUSEY, Esq., East Des Moines, Iowa:

Sir: In reply to your letter of the 17th inst., asking to be informed on what date the Hon. James A. Garfield paid into the treasury his back pay, and how the treasury books show this transaction, I have to inform you that it appears from the records of this office that the sum of $4,548 was deposited to the credit of the Treasurer of the United States in the name of James A. Garfield, on "account of retroactive increase of salary," on the 22d of April, 1873, and that this amount was covered into the treasury by miscellaneous covering warrant No. 704, second quarter, 1874, and cannot be withdrawn except by act of Congress.

Very respectfully,

J. K. UPTON,
Assistant Secretary.

GENERAL GARFIELD'S SERVICE TO THE INDIAN RING.

General Garfield, while he was Chairman of the Committee on Appropriations, was one of the most useful and potent friends the Indian Ring had on the floor of the House. Upon every occasion, when his influence should have been in the interest of reform, it was exerted to shield and to enlarge the operations of the Indian Ring.

No man will now dispute that the management of Indian affairs, during the period of which we speak, was grossly corrupt. It had grown worse year after year, until the evil had become alarming. It was destructive to the remnant of aboriginal tribes, and was a standing reproach to the civilization of the country.

Philanthropic and Christian men of various denomniations, had advocated the policy of peaceable persuasion rather than military power, as a means of civilizing the Indian. The experiment had been tried on the Cherokees, Chickasaws and other nations, and had been productive of great good. If their praiseworthy efforts had been properly seconded with the least honest disposition, they might have accomplished a great deal towards improving the present condition of the wards of the nation.

In April, 1869, a Board of Indian Commissioners was created with authority "to exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may direct." President Grant appointed men of unexceptionable character, who served without pay or reward, and at the start the experiment promised fair, but it began to be discovered before the end of the first fiscal year, that obstacles were thrown in their path, and that the Ring was determined to thwart their good intentions. Accordingly the power of the commissioners was more positively defined by an act approved July 15th, 1870, which declared the duty of said commissioners

> To supervise all expenditures of money appropriated for the benefit of the Indians in the United States; to inspect all goods purchased for said Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult said commissioners in making purchases of said goods.

THE COMMISSIONERS CRIPPLED.

This restraint was damaging to the Ring which dominated the Indian Bureau and owned the Secretary of the Interior. The frauds upon the Indians and the government continued until there was an outcry against the growing jobbery. The commissioners appealed in vain to the President, who referred the complaint to the Interior Department which had sanctioned the wrongs. They asked for new legislation, and in May, 1871, obtained it, but with the proviso that

> The Secretary of the Interior shall have power to sustain, set aside, or modify the action of said board, and cause payments to be made or withheld as he may determine.

The Secretary exercised this power to set aside and modify freely. The commissioners made public outcry and aroused a sentiment damaging to the administration of the Interior Department. Nevertheless the Indian Ring succeeded in May, 1872, in getting a proviso added to the Indian Appropriation bill, by which the commissioners were rendered powerless to protect the Indians, or the treasury.

This proviso was as follows :

> That any member of the Board of Indian Commissioners, is hereby empowered to investigate all contracts, expenditures and accounts, in connection with the Indian service, and shall have access to all books and papers relating thereto, in any government office, but the examination of vouchers and accounts by the Executive Committee of said Board, shall not be a prerequisite of payment.

Thus shorn of all real power, the commissioners still struggled to check the corruption that was daily growing worse. Their remonstrances however were unheeded. The whole power of the government appeared to be exerted to break them down. The Indian Bureau withheld all vouchers from the supervision of the Board, and treated the commissioners with contempt.

THE COMMISSIONERS PROTEST.

They firmly protested as follows:

> The Executive Committee of the Board respectfully present the following report: From July 1, 1872, until March 1, 1873, no accounts were sent to us by the Indian Office, for examination. It having been thought by that office, that the Act of May 29, 1872, relieved them of the necessity of submitting accounts to the board, and relieved the board of the duty to act on them.

After the meeting of Congress, the discussion upon the Indian Appropriation bill showed, that it was not the opinion of Congress that the board had been relieved from the duty of auditing these accounts. Notwithstanding this positive statement by the Indian Commissioners, Mr. Delano, the Secretary of Interior, had the effrontery in a document laid before Congress to say :

> In view of the legislation in that behalf which had been previously enacted, and was still unrepealed, and the peculiarity of the language of the act of 1872, I deem it best for prudential reasons for the time being, to continue the practice of sending all accounts to the board for examination, prior to the final action of the department thereon.

These statements contradict each other and cannot both be true. The commissioners had no motive for falsifying ; Mr. Delano had. After this the accounts were sent for auditing, and the commissioners rejected, or disapproved, or suspended to the amount of over a half million dollars. Mr. Delano indorsed on the back of them, "Action set aside by the Secretary of Interior."

These things were not done in a corner. The Indian Commissioners did not hide their light under a bushel. They were in earnest. They made known their difficulties to every member of Congress who would listen to them. They told how they found the department protecting plunderers, and said that they believed the officials were sharing with them. They resigned in a body and Mr. Delano filled their places with subservient tools. He demanded liberal pay for these tools. He made a notorious jobber of the Washington Ring secretary to the new commissioners with a large salary.

GENERAL GARFIELD'S SERVICES TO THE RING.

Public sentiment, excited by the venal and vicious legislation of back-pay grab and like steals, demanded legislation which would sweep the Indian Ring out of existence. When the Indian Appropriation Bill came up an effort was made to revive the proviso of 1871. On the 10th of May Mr. Beck moved to strike from the bill certain words and to insert the proviso above quoted. Instantly Gen. Garfield sprang to his feet and interposed one of the parliamentary quibbles with which he was always ready. He said :

I make a point of order against this amendment. It is plainly a change of existing law in reference to the mode of keeping accounts and administering business in the Interior Department.

What Gen. Garfield called the "existing law" was the proviso of 1872, which had been added to the appropriation bill of that year for the express purpose of negativing the authority of these commissioners. Mr. Beck promptly answered. He said :

I do not think the point is well taken. My amendment simply embodies the law as passed in 1871. It was attempted to be invalidated in 1872 by the proviso in these words : "but the examination of vouchers and accounts by the Executive Committee of said board shall not be a prerequisit of payment."

Mr. Garfield : Certainly ; but that is the whole point. The proposition of the gentleman from Kentucky (Mr. Beck) amounts to this : Under the existing law the Secretary of the Interior has the power to go on and settle accounts, and the proviso of the gentleman puts the power of settling these accounts into the hands of an outside board, without regard to the Secretary of the Interior. It provides that no payment shall be made until this outside board shall have audited and passed the accounts. It is a plan to unhinge all our present methods of settling Indian accounts.

* * * * * * * * * * * * *

Mr. Beck : I want to call the attention of the House and the country to what I expected would follow—what two years ago I insisted would follow. Indeed, what I showed then was the intention of striking out this provision requiring the Indian Commissioners to revise these accounts of Indian agents. It was done then, and the effect has been to enable the retainers, agents, pet contractors and other hangers-on of the Indian Bureau to rob the treasury of the United States.

* * * * * * * * * * * * *

The favored contractors have been awarded contracts at nearly double what they were made at when advertised to the lowest bidder, and the frauds of the Indian Ring are all perpetrated in consequence of the determination to overthrow a supervision and render impossible an investigation by this Board of Indian Commissioners. They have appealed to Congress ; they have appealed to the President to have this power ; they have appealed to the Secretary of the Interior ; and now a point of order is raised and sustained, and the Republican side of the House refuses to suspend the rules and refuse to give these commissioners any power to save the money of the people.

GENERAL GARFIELD MAKES FACES AT THE COMMISSIONERS.

Mr. Garfield : The proposition of the gentleman from Kentucky (Mr. Beck), which he thinks I have done very wrong in objecting to on a point of order, is this : that the head, not of the bureau alone, but of a great executive department of this government, shall be deposed officially, and a body of outside people without salary, without bonds, without any sort of pecuniary or legal pledge resting upon them to hold them responsible to the government, shall have the vouchers and accounts of one of the departments of the government sent following after them wherever they may happen to be—at their several homes, at the watering places, traveling on the cars or anywhere else ; and that these gentlemen at their leisure may look over these vouchers and accounts and write "approved" or "disapproved," but that no person shall be paid for any services rendered in connection with the Indian Department until these fine outside gentlemen shall have approved of the accounts.

Gen. Garfield denounced as "outside people" and an "outside board" the Peace Commissioners created by Congress and appointed by the President, empowered by law to exercise joint control with the Secretary of the Interior over the disbursement of appropriations, and who had wisely and honestly exercised that power until the Indian Ring, with the aid of the Secretary of the Interior, had crippled it in 1872.

This was Gen. Garfield's mode of treating a dignified body of the most respectable, conscientious and enlightened men, who had very self-sacrificingly devoted their time to a cause which they believed to be good.

He was not allowed to go unrebuked. Mr. Beck demonstrated that Secretary Delano had lived under the act of 1871 for a whole year, and that he then got it clandestinely repealed by the proviso of 1872.

Mr. Beck continued:

MR. BECK'S SCATHING REVIEW.

Mr. Beck: The act that I now seek to restore was passed in May, 1871 ; it was passed to prevent a flagrant evil, which former laws had left untouched, because at that time there was no way of stopping payments upon vouchers of Indian agents that came to the bureau. The holders of these vouchers were paid whenever they asked, so they appeared regular on their face. Proof was made before a committee, of which I was a member, that a large number of the greatest frauds were perpetrated under that system. At some of the agencies where cattle were to be delivered, say 200 or 300 would be delivered, and then they would stampede them and collect them and re-deliver them.

We were told of one case where eight or nine hundred head had to be delivered, and as soon as they delivered one lot they would be driven back to the rear of the line, and so counted over again, and vouchers given for them, although twice counted and known to be so. One agent in Montana, as the gentleman from Montana (Mr. Maginnis) knows, was dismissed because he refused to give a fradulent voucher for about $47,000 when the true voucher was only $7,000. It was to guard against these frauds that we passed that law. which the gentleman from Ohio did not then dare to oppose. * * * * In 1872, in an evil hour, this House consented to striking out that authority of the Peace Commissioners to revise these vouchers and accounts, and from that time to this fraud and corruption have permeated the Indian Department in the payment of accounts and vouchers and in contracts. The commissioners have certified to that, and it is sought to be perpetuated by gentlemen on the other side of the House by refusing even to let an amendment in the interest of honesty and fair dealing to be considered.

That is what I have said ; and the facts I have presented are not met and cannot be met, for they are true. If your agents are going to be honest in their disbursements, what harm can it do to allow men appointed under an act of Congress and chosen by the President to look at the vouchers of the agents and advise the Secretary whether they are just or unjust.

If you allow them to make purchases, if you allow them to control contracts, why should you not allow them to examine the vouchers of the Indian agents? That is the point where the Secretary of the Interior can get no information except from these commissioners, who have their agents everywhere, whose duty it is to know what the Indians get, and who can tell whether the vouchers are just or not. You have stricken out this right so that no man can be able to detect frauds, and refuse even to allow us the right to try and restore it. (*Cong. Record*, May 10, 1874.)

GENERAL GARFIELD DECEIVES THE HOUSE.

These appeals had no effect. General Garfield, Chairman of the Appropriations, and Mr. Averill, Chairman of Indian Affairs (just rejected by his constituents), had a good understanding with each other. They represented the Ring, and carried it over all opposition. The new members, composing more than one-half the House, and not yet enlightened as to these sharp practices, naturally enough followed their political leader, and accepted the assurances of Mr. Garfield as true.

While the Indians are annually decreasing fast in numbers, the cost of maintaining them increases in a corresponding ratio. The very policy which was adopted as a means of peace and economy has been converted into an engine of strife and plunder, until the expenses have more than doubled since it was inaugurated. This is not the fault of the policy, but of faithless and venal men who have abused it for their own advantage and that of thieving confederates.

ENCOURAGING AND DEFENDING PETIT LARCENY.

Gen. Garfield, while Chairman of the Committee on Appropriations, not only favored every petty steal, but enlarged the opportunities of the thieves in all the executive departments. Everybody will remember with what disgust the people six years ago received the intelligence from Washington, that Attorney-General Williams had directed the disbursing officer of the Department of Justice, to buy and pay for out of the contingent fund, a sixteen hundred dollar landaulet, in which his wife was daily seen disporting herself on the streets. In the good old times, a cabinet officer found riding in a carriage paid for by the government would have been driven by the people's scorn from the country. Almost a half century ago, Mr. Ogle, of Pennsylvania, made Matrin Van Buren, the President of the United States, an object of ridicule everywhere, by falsely declaring in the House of Representatives that he daily used gold spoons in the White House.

But the times change, and men change with them.

For many years past, until the Democrats obtained control of the House, not only every head of a department, but almost every head of a bureau, had a carriage and span of horses paid for by the government, and kept at government expense, for his private convenience. At the time of which we speak there were forty horses in use at the Treasury Department alone. Thirty of them were for the use of the department employees.

Gen. Garfield, as Chairman of the Committee on Appropriations, reported in the Legislative, Executive, and Judicial Appropriation Bill for the fiscal year 1874, a clause to continue and legalize this robbery. (*See Cong. Rec. No.* 110, *April* 25, 1874.) For the first time in the history of the government a specific appropriation was recommended and carried, for carriages, horses, and repairs for the Department of Justice :

> Mr. Garfield : It has been found necessary to move to amend the paragraph just read by inserting before the words "five copyists" the words "one clerk, who shall be telegraphic operator, $1,000."
>
> The amendment was agreed to.
>
> The Clerk read the following :
>
> For contingent expenses of the department, namely : For furniture and repairs, $1,500 ; for care of and subsistence of horses, $1,400 ; repairs to carriages and harness, $600 ; for law and miscellaneous books for the library of the department, $3,000 ; for the same for the office of the Solicitor of the Treasury, $1,000 ; for stationery, $2,500 ; for miscellaneous expenditure, such as telegraphing, fuel, lights, and other necessaries, $6,000 ; in all, $16,000.
>
> Mr. Nesmith : I move to amend the paragraph just read by striking out the words "for care of and subsistence of horses, $1,400 ; repairs to carriages and harness, $600." I believe that this estimate is an innovation. I believe there has been no definite estimate of that kind offered heretofore for this department. I do not perceive the necessity of an appropriation of $2,000 for the purpose of transporting anything connected with the Department of Justice about this city. If this item of $2,000 is stricken out I fancy it will be that much saved to the people who pay the taxes. I observe that in other portions of this bill, which were passed when I was not present, there is appropriated for the Postmaster-General for a similar purpose $1,200, and for the Secretary of the

Interior the same sum. Now, if it is proper and necessary to make such appropriations for the heads of the departments, there should at least be equality among them. I do not understand why the Attorney-General should have $800 more appropriated for the use of private horses and carriages than is appropriated for the other members of the cabinet.

I do not know if my amendment is adopted that it will be a saving to the treasury. I see that heretofore, when no appropriation of that kind was made, the contingent fund has been used for a similar purpose. I hold in my hand copies of vouchers for moneys paid out of that fund. They are as follows :

A $1,600 CARRIAGE.

Washington, Jan. 27, 1872.
United States Department of Justice, to Andrew J. Joyce & Co., Dr.
To one landaulet, No. 94, $1,600. Received payment. Andrew J. Joyce & Co.

Baltimore, July 29, 1871.
United States Department of Justice, bought of Coblens & Kaufman, one pair of bay horses, $750. Received payment. Koblens & Kaufman.

Washington, July, 1872.
United States Department of Justice, to Andrew J. Joyce & Co., Dr.

One pair stitched pole straps and gold slip buckle, $8 ; new silk lining in landaulet, $35.75 ; painting and varnishing landaulet, $42,50 ; various other items same nature, $124.88. Total, $211.13.

Then in November last there was another bill for repairs of landaulet, and again in December, making in all over $800. The landaulet seems to have been repaired from June, 1872, to December last, to the amount of about $1,100. It must have been that it was not a good landaulet when it was purchased, though costing $1,600, to require that amount of repairs.

Now I appeal to the Chairman of the Committee on Appropriations, who is supposed to be laboring here in the interest of economy, and who the other day struck out the enacting clause in a bill which provided for a small appropriation to remunerate widows and orphans who have been made such by lack of protection on the part of the government, which permitted the Indians to massacre their natural protectors. The occupant of the office, the Attorney-General, has the honor to be a constituent of mine ; and I desire to see all my constituents treated equally well. I do not believe in giving $2,000 for private purposes to a man who is already drawing a salary of $8,000, while you refuse to compensate widows and orphans for property destroyed by the Indians through your own neglect.

I do not believe that it is under any circumstances legitimate to appropriate money to the heads of these departments for the purpose of transporting them about this city. Why not make a similar allowance to members of Congress ? Why not make an appropriation of the same kind for the benefit of the Judges of the Supreme Court ? Why not make the system equal and uniform everywhere? This constituent of mine is the only one who indulges in this gorgeous oriental splendor of riding in a sixteen hundred dollar landaulet. Why, sir, lawyers of my state of his calibre ride upon the outside of a fifty dollar mule, and think they are doing well at that. But, sir, there is a Spanish proverb, I believe, "Put a beggar on horseback and he will ride to the devil." Now, I have no objection ——

Mr. Negley : I object to the remarks of the gentlemen in reference to a cabinet minister.

Mr. Nesmith: Well, sir, without making any direct reference to anybody, I say it is a Spanish proverb, "Put a begger on horseback and he wlll ride to the devil." I have no objection to the termination of this journey in that direction, but I do not want the people to pay for the transportation.

Mr. Durham: I desire to ask the Chairman of the Committee on Appropriations one question in regard to this item I have been appoinied a member of a sub-committee to investigate the contingent expenses of the Department of Justice since its establishment in June, 1870 ; and I expect in two or three days to make a report upon the extravagance growing out of the contingent fund this department; but for the present, regarding it as inappropriate to make any statement as to what will be the substance of that report, I desire to ask the Chairman of the Committee on Appropriations how many horses are provided for in this appropriation "for care of and subsistence of horses?"

ALL THE HONORS YOU WANT.

Mr. Garfield: We limit it only by the amount appropriated ; we have nothing to do with the number.

Mr. Durham: That is not answering my question. How many horses are provided for in this item ?

Mr. Garfield: I answer the gentleman, that we say nothing about the number. There will be, I presume, so many as can be provided for (including the carriage) with this amount of money.

Mr. Durham: Then I put this further question to the gentleman : Whether it will take $1,200 to keep one horse or two horses or three horses; and I renew the question, how many horses are provided for in this item ?

Mr. Garfield: The gentleman can get all the echoes he may desire in answer to his question as to the number. I do not know the number, and do not undertake to state it.

Mr. Durham: The gentleman is not answering with fairness and candor.

Mr. Garfield: I have not the information upon which to answer, and therefore I do not undertake to do so.

Mr. Durham: Then I stlll put to my distinguished friend the question, whether he has the items to show how many horses there are in use by that department.

Mr. Garfield: If the gentleman has made a careful investigation as one of a sub-committee, and has his report inchoate and almost ready to launch, he certainly ought to be able to answer that question better than I can.

Mr. Durham: I can answer so far as the past is concerned; but in this bill we are providing for the future. I will answer that there have been three horses in use by that department in the past. Now, how many are there to be used in the future, for the year ending June 30, 1875 ?

Mr. Garfield: The number of horses to be used in the future is something I suppose that would require a prophet to predict; but if the gentleman——

Mr. Durham: The gentleman understands my question. How many have the committee provided for in this bill?

Mr. Garfield: Well, I am utterly incapable of furnishing brains for the understanding of a statement, in addition to making it.

Mr. Durham: If I have not got the brains to answer, I have the candor and honesty to answer; I will say that much. If my distinguished friend, who stands at the head of this Appropriation Committee, and who ought to know the purpose of this appropriation of $1,200 for taking care and for the keep of horses, will not have the fairness or the candor to answer on the floor of this House, then I leave it to the House to judge between him and myself.

Mr. Garfield: There is no need of heat about this matter. The Committee on Appropriations have put in what they considered enough to maintain the expense of what now exists. The gentleman says that is three horses and carriages. I should suppose three horses, one for relay in case of accident, would not involve an extravagant amount, provided we proposed the heads of departments shall have the employment of horses and carriages.

Now, Mr. Chairman, the Attorney-General said this to the committee: that he is compelled in his office not only by his assistants to run the Court of Claims on the government side of it, but all the cases of the United States in the Supreme Court, and that there is not a day in which he does not require the use of a horse and carriage. Whether it should be by what the government owns or what they may hire makes no difference. If gentlemen want the Attorney-General to walk to the Supreme Court on foot, or to ride in the cars, or to go wherever else he goes as other citizens, if the gentleman wants to break down the habit of years, and sweep away all arrangements for horses and carriage, very well.

GENERAL GARFIELD BELIEVES IN AN OFFICIAL ARISTOCRACY.

According to Mr. Garfield, the attorney-general is not expected "to *walk to the Supreme Court on foot, or to ride in a car, or go wherever he goes as other citizens.*" According to him, Cabinet officers are an official aristocracy, not to be treated like "*other citizens.*" Although they receive $8,000 a year salary, and serve the public, they must be allowed fine carriages, fast horses and gilded harness, to be paid for out of the treasury. He speaks of "breaking down the habit of years and sweeping down all arrangements for horses and carriages." Whoever heard of horses and carriages furnished by the government for officials until Gen. Garfield and those like him sanctioned the bad "habit." The pretense that a carriage is necessary for an attorney-general attending the courts is false. The sixteen-hundred-dollar landaulet which attorney-general Williams had the disbursing clerk of his department pay for out of the contingent fund was for the private use of himself and wife. Even the liveried driver was borne upon the pay-roll of the Department of Justice.

There were still other interesting discussions on this occasion.

Mr. Nesmith: Permit me to ask the gentleman a question.

Mr. Garfield: Certainly.

Mr. Nesmith: Does he believe there is any more necessity for providing these departments with expensive horses and a sixteen-hundred-dollar carriage than the judges or members of Congress? And in connection with that, does the attorney-general go every day to the Supreme Court? And another question in the same connection: Are these departments being run by horse power?

Mr. Garfield: Mr. Chairman, I have no doubt there are abuses; I know there have been abuses in regard to horses and carriages in the various departments. These are abuses, if not as old as the government, older than any member of the House. There has been no attorney-general from the foundation of the government who was not furnished with horses and a carriage by the government as a part of his official outfit for the performance of his duties. There is no hour of the day when the heads of the departments are not liable to be called upon to meet the President in Cabinet to consult with each other, and it is a matter of common decency in the transaction of business they should have it.

WILLFULLY FALSIFYING.

In stating that "there had been no attorney-general from the foundation of the Government who was not furnished with horses and a carriage by the government," Gen. Garfield willfully falsified. He did not and could not produce a single example, record, appropriation or voucher justifiying his baseless assertion. Attorney-General Williams was, shortly after this, driven from office. Even Grant could no longer retain him; yet Garfield appeared as his defender on the floor of the House. To this day Williams is known as "Landaulet" Williams. The exposure of this landaulet transaction had been made previous to Garfield's defense.

Mr. Wood, of New York, pertinently called attention to the fact that the practice of which Garfield spoke as long standing was a recent one. He said:

It is not true that the practice to which we now take exception is of long standing in this government, or is of any standing whatever prior to the incumbency of the gentleman who now fills that office. My memory, sir, goes back for a long period, not only with reference to the office of the Attorney-General of the United States, but with reference to all the executive departments; and I declare here that it is a practice of recent and modern introduction that any head of a department, that any executive officer of this government shall seek to be carried through the streets of Washington at the public expense.

Sir, the Chief Justices of the United States, including John Marshall and Roger B. Taney, never traveled at the expense of the government, either from their homes to Washington, or from their residences in Washington to the Capitol here, for the purpose of attending to their official duties. It is entirely a mistake to suppose that this is an old practice. It is an attempt to justify by an erroneous statement, founded upon a misapprehension, this system of having public coaches for the use of officials, bought by the money of the people, wrung from the industries of the nation.

STILL OTHER CASES.

Nor was this the only case that led to debate. On the same bill angry feelings broke out in another spot, but with less intensity. (See *Congressional Record*, April 24, 1874, page 40.)

Mr. Sener: I move to strike out the words for "horse and carriage, and keeping the same, $1,200" (for the Commissioner of Pensions). It seems to me that with the improved facilities for passing from point to point in Washington afforded by the street cars, with the several departments connected as they now are by telegraph, we should not allow any bureau officer a horse and carriage.

Mr. Garfield: I will simply say in reply that the duties of the Pension Office are peculiar in this. It is in a building a great way from the Interior Department, in the Seaton House, and there are other buildings where the pension clerks are kept. A great deal of communication, of referring papers and of messages, is required to be done.

A PRETENCE OF ECONOMY.

Mr. Frye: Is it in the interest of economy for this bureau to keep a horse?

Mr. Garfield: We think it is.

Mr. Randall: Oh, no; it is not.

Mr. Sener: I wish to say in reply to the gentleman from Ohio that it is only a few minutes' walk from the Department of the Interior to the Seaton House, where many of the pension records are kept. Besides that, as my friend from Ohio very well knows, no paper carried to the Pension Office is acted on the same day it is carried there. Nor does the commissioner himself give personal attention to papers, except by sending for a clerk to bring in the papers; and then he gives a hearing and determines what he will do in the matter.

Mr. Lawrence of Ohio: I wish to ask my colleague (Mr. Garfield) why it is necessary to appropriate $1,200 to keep a horse and carriage for one year. It is at the rate of $100 a month. Now it does not cost any such sum in any city of the United States, or of the world; and this appropriation for such a purpose cannot be honestly expended.

Mr. Garfield: More than this was expended last year to keep up the establishment in this same office. The gentleman cannot hire a saddle horse in this city for less than $25 a month at any respectable livery stable.

GARFIELD'S MISREPRESENTATION.

That was the kind of argument Gen. Garfield employed to defend his culpable extravagance. He was consistent in that, as he was in misrepresentation, when he stated that some of the pension records were in "the Seaton House, a great way from the Department of the Interior." The distance is just three blocks, and one building is in sight of the other from the roof. Nine-tenths of the House and the audience were aware of this bold falsehood, and yet Gen. Garfield coolly went on, as if he was uttering undoubted truths to prop up a justifiable grant of public money.

Gen. Garfield is accountable for a system of reckless expenditure, by which the public service has been demoralized and millions squandered, during the time that he directed the appropriations as chairman of that most important committee.

GARFIELD THE CHAMPION OF O. O. HOWARD.

The Freedmen's Bureau and the Freedmen's Bank were twin monster frauds. The first was avowedly established to care for and maintain Southern white Union refugees and to protect and provide employment for the emancipated blacks. There was much suffering among the whites as well as the blacks at the South toward the close of the war. The social and industrial systems were broken up; great hordes of negroes flocked to the Union armies, and the support of these two classes was a heavy burden upon the Commissary Department. To afford the white refugees and late slaves the means of self-support it was suggested that the lands within the Union lines abandoned by their owners should be parceled out to the helpless people, and that the government furnish them with the means of tilling the soil and supply their wants while awaiting the reward of their labor. Had this beneficial purpose been honestly adhered to, the greatest good might have been accomplished. The change from the system of slave labor to that of free could have been effected without a jar, and the owners of the soil and the emancipated slaves would have accepted the new order without ill feeling. The Freedmen's Bureau grew out of the desire to accomplish something of this sort.

Mr. Lincoln was most anxious to rehabilitate the States and favored a policy of reconciliation. He thought the Freedmen's Bureau would be a useful agent in the work he was undertaking. He exerted all his influence to restrain the Republican majority in Congress from conferring unusual powers on the Commissioner of the proposed Bureau and his subordinates. He wanted all the employees of the Bureau held responsible to the military authorities and amenable to court martial. The bills which were introduced at the second session of the Thirty-eighth Congress providing for the establishment of the Freedmen's Bureau did not confer any extraordinary power upon the commissioner, and he and his subordinates were, by the terms of the bills, amenable to the articles of war. Notwithstanding this, in the judgment of the majority of the Senate then, the commissioner had too much discretionary power, and several bills originating in that body or agreed upon in conference committees of the two Houses, were voted down. In the opinion of the late John P. Hale, of Maine, then a Senator, the loyal white people of the South were entitled peculiarly to the assistance of the Federal Government. He opposed the bills creating the Freedmen's Bureau because they did not provide for the distribution of abandoned lands and property to this class, or made them subordinate to the blacks. Finally an agreement was reached by which a bill was secured, through a conference committee, less objectionable than any of the others. This bill created the Bureau of Refugees, Freedmen, and Abandoned Lands of the War Department. Its management was to be in the hands of a commissioner, who might have ten assistants. The act was approved March 3, 1865, and May 10, 1865, Gen. O. O. Howard was assigned to duty as commissioner. By a series of acts, passed by succeeding Congresses, the power of the commissioner was greatly enlarged and millions upon millions of property turned over to him, in the disposition of which he was well nigh unrestricted. The first attempt at this enlargement of the scope of the Bureau was made at the first session of the Thirty-ninth Congress, and the bill was vetoed by President Johnson. This veto was the beginning of the rupture between Andrew Johnson and the leaders of the Republican party. Gen. Garfield was among the most ultra of his party in advocating the enlargement of the powers of the Commissioner of the Freedmen's Bureau. He was always the champion of Gen. Howard. The management of the commissioner was even then denounced as bad, and the work of his subordinates was such as to draw from Gen. U. S. Grant, in his report of the condition of the Southern States after his tour through them in the Fall of 1865, the following stinging rebuke :

> I did not give the operation of the Freedmen's Bureau that attention I would have done if more time had been at my disposal. Conversations, however, on the subject with officers connected with the Bureau, lead me to think that in some of the states its affairs have not been conducted with good judgment or economy, and *that the belief widely spread among the freedmen of the Southern States, that the lands of their former owners will—at least in part—be divided among them, has come from the agents of this Bureau. This belief is seriously interfering with the willingness af the freedmen to make contracts for the coming year.* In some form the Freedmen's Bureau is an absolute necessity until civil law is established and enforced, securing to the freedmen their rights and full protection. At present, however, it is independent of the military establishment of the country, and seems to be operated by the different agents of the Bureau according to their divided notions.

WHAT WAS PROVED AGAINST HOWARD IN 1870.

In 1870 the House of Representatives, compelled principally by exposures made in the Cincinnati *Gazette* by its Washington correspondent, General H. V. Boynton, of the illegal and corrupt administration of General O. O. Howard, directed an investigation into the affairs of the Freedmen's Bureau to be made. Of course, the result was a whitewashing report. Nevertheless, it was conclusively proved that appropriations made for, and the receipt of the Freedmen's Bureau, amounting to more than $900,000, were by General Howard, without authority of law, turned over to Howard University, hospital and lands ; that portions of the land, alleged to have been sold for the benefit of Howard University went improperly to members of his family ; that he accepted in payment for some of this land, bonds which he had issued in aid of the First Congregational Church of Washington, and that he had never accounted for or redeemed these bonds ; that even the buildings for the Howard University and hospital were built of patent bricks made by a concern in which General Howard and members of his family were interested; that he had appropriated labor belonging to the government, without compensation, to his private use; that he drew their salaries in defiance of law; that he advanced a large sum of money in his hands as a disbursing officer of the government to the Young Men's Christian Association of Washington, of which he was president, taking worthless security therefor, which disposition of the money of the government was embezzlement; that he purposely suffered an officer of the Bureau to sell lands in Washington to a freedmen's school in North Carolina, and he paid for the same out of money appropriated for the school; that he was privy to the swindles of the Freedmen's Bank, belonging to the Freedmen's Banking, and benefited by the use of the money collected from the poor negroes of that concern.

In addition to his duties as Commissioner of the Freedmen's Bureau he was, by Act of Congress, approved March 2, 1867, custodian of the retained bounty fund belonging to colored soldiers, and by Act approved March

29, 1867, he was to collect and disburse all moneys due to colored soldiers in Southern States, and "to be held responsible for the safe custody and faithful disbursement of the same." These acts were rushed through the House under the operations of the previous question, demanded by Gen. Garfield. (*Globe, 1st Sept., 40th Cong., p.* 445).

WHAT HAPPENED AFTER HOWARD WAS TURNED OUT.

By Act of June 10, 1872, the Bureau of Refugees, Freedmen and Abandoned Lands was discontinued and the business therefor turned over to the Adjutant General's Office of the Army. When the Adjutant-General's Office took possession of the discontinued Bureau they found everything in great confusion, many of the important papers and record books being lost, and a deficit was also discovered in the retained bounty fund accounts. It was found also that Gen. Geo. W. Balloch, Chief Disbursing Officer of the Bureau, claimed to have on deposit with the Treasurer of the United States $520,974.07, when in reality there were only $241,356.61 on deposit. Upon this matter being investigated, it was found that Balloch had in his own possession two hundred and fifty thousand dollars on the United States bonds, on which he had been drawing interest, and he claimed that the value of these was more than the deficit of $279,617.46 in his account with the Treasurer. On this showing he was suspended and ordered to be mustered out of the army. He claimed in his defense that he had the authority of the second Comptroller and the Treasurer of the United States to convert the money into bonds, but this was held to be no justification. Assistant Adjutant-General Vincent, in his report of October 7, 1872, on the condition of the accounts in the Freedmen's Bureau when he assumed control of it under the Act of Congress, above quoted, says:

THE PROOF TURNS UP AT LAST.

> The number of unpaid claims transferred is 4,858, amounting in the aggregate to $730,596.80; the amount transferred for their payment, $726,842.11, leaving a deficit yet to be accounted for of $3,754.69. This deficit was promptly reported to the Secretary of War with whom rests future action. The treasury certificates issued in settlement of the unpaid claims mentioned above are shown by the records to have been received at the Freedmen's Bureau at various dates extending back to May, 1867. In addition to the sum of $726,842.11, as stated above, there is the sum of $31,078.03 transferred as being due to certain claimants *borne upon the records as paid*, and with which amount the accounts of the late disbursing officer of the Bureau have probably been credited at the treasury. Complaints have been made that claimants have not received from the late Bureau their bounties, rations, or aid, &c. The treasury accounts of the Bureau disbursing officer show payment to have been made, and there is reason to believe that claimants have been defrauded extensively of the said money.

Investigations into irregularities connected with the management of the retained bounty fund and the payment of moneys due to colored soldiers, sailors and marines were still further prosecuted by the Adjutant-General's Office. Irregularities were discovered almost daily, and large sums of money found to have been paid on fraudulent claims. These investigations by the Adjutant-General's Office, together with developments which have been made from time to time, establish beyond controversy the fact that the Howard University was a swindling enterprise from beginning to end. Although $993,611.38 of government money was illegally invested for the benefit of this institution, it is to-day almost bankrupt; and is only maintained by the closest economy and a large reduction in its corps of teachers. About $220,000 were originally invested in real estate attached to the University, and of this there remains for that institution a very small quantity, the balance having gone in various ways into the hands of speculators connected directly or indirectly with the Freedmen's Bureau, of which Howard was the head and front.

The facts developed in regard to the management of the retained bounty fund, the moneys due to colored soldiers, sailors and marines by the Adjutant-General's

Office so directly implicated Howard with outrageous frauds, which had been practiced upon the unfortunate negroes as well as upon the government, that the President was forced, although much against his inclination, to order a court of inquiry to investigate the matter. The majority of this court, as constituted, consisted of officers so connected with Howard in the past that it was not possible for them to render an impartial finding. The result was what it was predicted it would be at the time the Court was constituted, although a minority held Howard to be guilty of embezzlement. The finding of the Court was reviewed by the Judge-Advocate-General of the Army, Gen. Joe Holt, who held, in an able and exhaustive opinion, that the majority had clearly erred; *and further said, that the construction of the law and army regulations by the majority of the Court was in direct conflict with an unbroken line of decisions.*

Notwithstanding all these facts, which Gen. Garfield was cognizant of, he offered the following amendment to the Sundry Civil Bill at the first session of the Forty-third Congress:

> That there be paid to Major-General O. O. Howard, out of any money in the treasury not otherwise appropriated, the sum of $7,000, to reimburse him for the expense he incurred in defending his official conduct as Commissioner of Freedmen's Affairs.

Mr. Spear, of Pennsylvania, wanted to know if Gen. Garfield knew of any other alleged criminal whose expenses were asked to be paid by the United States. He replied that Howard had been put through a fiery ordeal and had been acquitted, when he very well knew that only a court of inquiry had sat upon his case and that its verdict had been the Scotch one—" Not proven." The appropriation was not made, although Gen. Garfield advocated and voted for it.—(*See Cong. Record* 43*d Cong.*, 1*st Sept.*, *pp.* 4887–88).

THE BLACK FRIDAY SCANDAL.

HOW GENERAL GARFIELD SOUGHT TO SUPPRESS THE TRUTH.

On December 13, 1869, Mr. Schenck offered a resolution in the House of Representatives directing the Committee on Banking and Currency to investigate the Black Friday scandal. It was adopted. Gen. Garfield was chairman of the committee charged with the inquiry. The intention was to whitewash President Grant and his family. Gen. Garfield undertook the job. On March 1, 1870, he submitted his report to the House. In it he says:

> The committee find that the wicked and cunningly devised attempts of the conspirators to compromise the President of the United States or his family utterly failed.

How utterly and wickedly false this statement was the following history of that memorable scandal, compiled altogether from the evidence taken by Gen. Garfield's committee, will demonstrate.

GRANT'S FIRST MEETING WITH FISK AND GOULD.

On the evening of the 15th of June, 1869, a gay party, composed of Ulysses S. Grant, Jay Gould, and Jim Fisk, each accompanied by his retainers, left New York for Boston on one of Gould's highly ornamented steamers. The ostensible object of the trip was to attend Patrick Sarsfield Gilmore's Peace Jubilee. The arrangement of the details had been intrusted to Fisk. At supper on the steamboat the conversation was deftly turned to the "state of the country." Gould, in his sworn testimony before the Garfield Committee of the Forty-first Congress, describes this supper and says of the conversation: "The President was a listener. The other gentlemen were discussing. Some were in favor of Boutwell's selling gold, and some were opposed to it. After they had all interchanged their views, some one asked the President what his views were. He remarked that he thought there was a certain amount of fictitiousness about the prosperity of the country, and that the bubble might as well be tapped in one way as another. That was the substance of his remark. He asked me what I thought about it. I remarked that I thought if that policy was carried out it would produce great distress and almost lead to civil war; it would produce strikes among the workmen, and the workshops to a great extent would have to be closed; the manufactories would have to stop. I took the ground that the Government ought to let gold alone and let it find its commercial level; that, as a matter of fact, it ought to facilitate an upward movement of gold in the fall. The fall and winter is the only time that we have any interest in. That was all that occurred at that time."

The key to Gould's conversation is found in the fact that those who accompanied him were his stool pigeons. The talk was arranged beforehand for the purpose of ascertaining Grant's opinions, and approaching him at points where he appeared most vulnerable. He was in the hands of trained gamblers, and they, in the parlance of their trade, were "playing him for a flat." A deadhead journey to Boston, a free supper, and an abundance of champagne constituted the vulgar bait thrown out to catch the Chief Magistrate of the American people. And he was caught.

GOULD AND GRANT'S BROTHER-IN-LAW SELECT AN ASSISTANT TREASURER.

In June, 1869, about the time of the Boston Peace Jubilee, Mr. H. H. Van Dyck resigned his office as Assistant Treasurer at New York. Jay Gould undertook to name his successor, with a view to controlling the treasury when the time should come to "corner" the gold market. He had already formed an alliance with Abel R. Corbin, the brother-in-law of Grant. Corbin was a ready writer and a man of some ability. He had been unsuccessful in business, and was willing to trade on his influence at the White House. Years before he had served an apprenticeship in the lobby at Washington. He could talk politics and finance with great fluency, and Grant frequently sought his counsel. The fact that he was not strictly honest never interfered with the cordiality of their relations.

Robert B. Catherwood, an eminently respectable man, who had married Corbin's step-daughter, was suggested for Assistant Treasurer. Gould and Corbin talked with him on the subject, and urged him to take the place that the three might operate together and make a great deal of money "in a perfectly legitimate manner." Mr. Catherwood, in his testimony, says that his ideas differed from theirs as to what constituted a "legitimate manner," and he declined the office. It was then decided to confer it upon Gen. Daniel Butterfield, who, when this design was made known to him, wrote a letter thanking Mr. Corbin very kindly, hoping that he would exercise his influence, as he had previously done, and saying that he was under many obligations to him, and that he trusted he would be successful. The work in which Corbin expected to be successful was in cornering gold through the aid of the Assistant Treasurer. In due time Gen. Butterfield was commissioned, and Corbin's standing was measurably increased in the eyes of Gould and Fisk. Mr. Corbin had first appeared to Gould as a suppliant for favors. On the strength of his relationship to Grant he wanted to be taken into some enterprise where he could make money. It was then that Gould suggested the feasibility of advancing the price of gold, which was then among the thirties, to the forties or fifties, provided the Government could be induced to assist them. His theory was that a rise would facilitate the exportation of grain, but he hastened to add: "We could make money both ways by buying it then and selling it on the rise." Gould adds this compliment in speaking of Corbin: "He was a very shrewd old gentleman. He saw at a glance the whole case, and said he thought it was the true platform to stand on; that whatever the government could do legitimately and fairly to facilitate the exportation of breadstuffs and produce good prices for the products of the West they ought to do. He was anxious that I should see the President, and communicate to him my views on the subject." It was because of this preconcerted anxiety that the deadhead excursion of the 15th of June was arranged. Of course Corbin was among the invited guests, and the subsequent proceedings seem to show that he improved the opportunity to impress his brother-in-law favorable with his friends Gould and Fisk.

FREQUENT INTERVIEWS BETWEEN GRANT AND GOULD.

When Grant returned from Boston he went directly to Corbin's house, where he held a protracted interview with Jay Gould, during which, according to testimony, Grant said to Corbin: "Boutwell gave an order to sell gold, and I heard of it and countermanded the order." This was the first positive declaration the conspirators had received that they had won the President over to their side, or that they conld count on his co-operation. Gould was so pleased that he immediately tendered to Grant the free use of a special train to take him to Corry, Pennsylvania, and thence to Philadelphia. This offer was greedily accepted.

On the 19th of August, Grant went to Newport, where Jim Fisk went to see him. Fisk, in his testimony, said: "I think it was some time in August that General Grant started to go to Newport. I then went down to see him. I had seen him before, but not feeling as thoroughly acquainted as I desired for this purpose, I took a letter of introduction from Mr. Gould, in which it was written that there were three hundred sail of vessels then on the Mediterranean, from the Black Sea, with grain to supply the Liverpool market. Gold was then about thirthy-four. If it continned at that price, we had very little chance of carrying forward the crop during the fall. I know that we felt nervous about it. I talked with General Grant on the subject, and endeavored, as far as I could, to convince him that his policy was one that would only bring destruction on us all. He then asked me when we should have an interview, and we agreed upon the time. He said: 'During that time I will see Mr. Boutwell, or have him there.'"

It is interesting to know that the lamented Fisk, with steamboats, railroads, terpsichorean divinities, and other affairs to manage, still found time to give the President of the United States lessons in finance; and that backed by Gould's letter of introduction, he succeeded in his mission and induced the President to adopt a fallacy so absurd that its bare statement condemns it—the fallacy that an unnatural premium on gold is essential to the maintenance of our foreign commerce.

During the weeks preceeding Black Friday, Grant was very frequently in New York, and usually in the company of Corbin. His intimacy with Fisk and Gould began to attract attention, but he paid small heed to the criticisms passed upon him on that account On the 2d of September he went to Saratoga, leaving poor Rawlins, his Secretary of War, who had been his mentor and guide through all his military career, to die unattended in Washington. He was recalled on the 6th to attend Rawlin's funeral, but on the 10th he again appeared in New York. Gen. Rawlins left no property, and a fund was raised for the benefit of his family. Gen. Grant subscribed $1,000 to this fund. Gould and Fisk not only gave a larger amount, but they paid Grant's subscription for him. He accepted their gift with unblushing promptitude.

The plotters were resolved to make hay while the sun of official favor shone upon them. On the 2d of September, Jay Gould, having thoroughly convinced himself that he could rely on the brothers-in-law Corbin and Grant, bought for Corbin $1,500,000 in gold, at an average price of 132½. Gould was afraid, however that Boutwell might interfere. He says that some of those who were short of gold had arranged to give the Secretary a dinner, and he was solicitious as to what the effect might be. He sought out Corbin again, who assured him that the President was all right; that at his (Corbin's) house Gen. Grant had written a letter directing Boutwell to sell no gold, without consulting him, and that he had intrusted this letter to Butterfield, who afterward told Gould that he had delivered it. Nothing now remained but to put the President safely out of the way in some remote corner where the rising storm of public indignation would not reach him nor compel him to recognize and perform his duty.

GRANT HID HIMSELF IN AN OBSCURE VILLAGE.

The little town of Washington, Pennsylvania, was accessible by rail in 1869 only by way of Wheeling, West Virginia. It was cut off entirely from telegraphic communication, and it was, perhaps, the best place in the United States in which to seclude a man whose absence was essential to the success of a financial conspiracy. To that point on the 13th of September the President made his way. He explained that he wanted to visit a family of the name of Smith, a distant relative, whom he had not seen for thirty years.

The country was on the verge of financial disaster. Merchants, importers, all who bought and sold, began to feel that they were at the mercy of a clique of sharpers and gamblers who were bent on driving the gold premium up among the eighties or nineties, that they might clear thirty millions at the expense of every legitimate interest of trade. They knew that this premium was fictitious and speculative; that under an honest and intelligent management of the Treasury it could not exist. But what were the relations between the government and the sharpers? That was the question which sorely disturbed the minds of honest men. Gould was deep and taciturn, but Fisk was shallow and talkative. In warning his friends, in threatening his enemies, he blurted out the secrets of the combination. He swore he would carry gold up to 200, and when he was told that the government could block his game by selling gold, he answered: "The President is with us." This revelation threw a new light on the intimacy between Grant and these gamblers. Men of high standing hastened to the capital to tell the President what dangerous persons his new friends were, and to point out to him the necessity of immediate action. When they got there they were gravely told that Grant was gone. Gone where? To an unheard-of town, out of the line of communication. but he had left orders to sell no gold. They came away disheartened.

THE CONSPIRATORS WERE JUBILANT—$25,000 TO MRS. GRANT.

Fisk testified that about the 16th of September he bought gold to the amount of seven or eight millions. Gould made much heavier purchases. The price was forced above 140, and the syndicate controlled from fifty to sixty millions of it.

On the 20th of September Gould said to Fisk (this is sworn testimony): "This matter is all fixed up; Butterfield is all right. Corbin has got Butterfield all right, and Corbin has got Grant fixed all right; and in my opinion they are interested together." Fisk says that was a point he did not take into consideration. He supposed Corbin had convinced Grant by argument that forty-five was the proper gold premium at which to move the crops. He did not believe up to that time that Grant, or anybody nearer to him than his brother-in-law, had a stake in the scheme. When Gould suggested it, he was startled, and resolved immediately to see Corbin. He said to Gould: "You give me a letter to him, so that he will talk confidentially with me." He got the letter, and he gave under oath, before the Committee on Banking and Currency, this account of what followed: "When I met him he talked very shy about the matter at first, but finally came right out and told me that Mrs. Grant had an interest; that $500,000 in gold had been taken by Mr. Gould at 31 and 32, which had been sold at 37; that Mr. Corbin held for himself about two millions of gold, $500,000 of which was for Mrs. Grant and $500,000 for Porter. I did not ask whether he was General or not. I remember the name Porter. This was given out very slowly. He let out just as fast as I did when he found that Gould had told me about the same thing. I said: 'Now I have had nothing to do with your transactions in one way or the other. You can make your pathway clear and straight by emptying it all out to me, because Mr. Gould and myself stand together; we have no secrets from each other; we have embarked in a scheme that looks like one of large magnitude.

Mr. Gould has lost as the thing stands now. It looks as if it might be pretty serious business before getting out straight again. The whole success depends on whether the government will unload on to us or not.' He said: 'You need not have the least fear.' I said: 'I want to know whether what Mr. Gould told me is true; I want to know whether you have sent this $25,000 to Washington as he states.' He then told me that he had sent it; that Mr. Gould had sold $500,000 in gold belonging to Mrs. Grant which cost 32 for 37 or something in that neighborhood, leaving a balance in her favor of about $27,000, and that a check for $25,000 had been sent. Said I: 'Mr. Corbin, what can you show me that goes still further than your talk?' 'Oh, well,' the old man said, 'I can't show you anything; but,' said he, 'this is all right.' He talked freely, and repeated: 'I tell you it is all right.' When I went away from there, I had made up my mind that Corbin had told me the truth."

GARFIELD TRIES TO MAKE $250 OUT OF $25,000.

Before the Banking and Currency Committee, there appeared a witnesss, W. Havgrave White, who was ready to swear that he had examined the money delivery book of Adams Express Company, and that he had seen the entry of a package sent from New York, some time in September, 1869, to Mrs. U. S. Grant, White House, valued at $25,000. The majority of the committee, under Garfield's lead, refused to receive this testimony. The manager of the express company, Samuel M. Shoemaker, privately told Mr. Garfield that no such entry appeared, and he was called to the witness stand to substantiate this statement. He produced his money package book, assuring the committee at the same time that it contained no delivery to Mrs. Grant. Mr. Samuel S. Cox of the minority of the committee, asked to examine the book. It was handed to him, and running his eye down the page, he read aloud this entry: "September, 1869, Mrs. U. S. Grant, White House, money package, value $25,000." Garfield jumped to his feet in unfeigned astonishment, while Shoemaker appeared to be overwhelmed with surprise. He studied the book for several minutes, and finally said: "After careful examination I am satisfied that it is $250." He explained that by inserting before the last two ciphers a period, which had been accidentally omitted, it would read $250 and no cents. On this imaginary period Garfield bases the declaration in his report "that the wicked and cunningly devised attempt of the conspirators to compromise the President of the United States or his family failed."

GRANT FRIGHTENED BY FISK.

Jim Fisk was too impetuous. He wanted not only the "old man's" assurance that "it was all right" with the Grants, but he insisted that Corbin should write a letter to the President urging him to stand firm and not to sell gold on government account under any circumstances. Poor Corbin was already in the job up to his ears, and he readily wrote the letter. Fisk caused it to be delivered by a special messenger, who left Pittsburgh at 1 o'clock in the morning and rode twenty-eight miles on horseback to Washington, Pa. He arrived at the house of Grant's distant relative about 9 o'clock in the morning and delivered the letter. The President read it carefully, and after holding a consultation with his wife in regard to its contents, he said to the messenger: "It is satisfactory; there is no answer." But from that moment he took the alarm. The rumble and roar of the great financial storm had actually penetrated his remote hiding place. Another messenger came to him direct from the capital telling him he must return; that imperative business demanded his attention; that another day's absence might destroy his fame. Then it was, according to Corbin's testimony, that Mrs. Grant wrote to Mrs. Corbin saying that the President was greatly distressed to learn that her husband was speculating in Wall street, and expressing the hope that he would immediately disconnect himself from anything of that sort. This letter appears to have frightened Corbin, but his fear did not get the better of his shrewdness. He sent for Jay Gould, and told him that he (Corbin) must go out of the matter; that it had created a great deal of feeling in his own family as well as on the part of the President, and that it must end immediately. But he wanted $100,000 as his share of the profits in a partnership where he had invested his brother-in-law's against Gould's money. Gould says, under oath: "I told him I would give him $100,000 on account, and that, when I sold, if he liked, I would give him the average of my sales. I did not feel like buying any gold of him then."

Corbin's fright, the return of the President to Washington, the growing excitement in financial and business circles, warned the speculators that they were approaching the end of their rope. On Thursday, the 23d of September, they knew that Wall street could not bear the pressure more than one day longer. On Thursday night Gould, as usual, was saturnine and Fisk mercurial.

THAT AWFUL DAY.

Black Friday came. The business of the metropolis stood still at the audacious command of a clique of sharpers. Every artery of trade, every nerve of enterprise, felt a shock as of paralysis. Merchants rose from sleepless beds to make their way to Wall street, hoping against hope that they might find some way to purchase the gold required to meet their contracts. Bankers who had faith in the honesty of the administration, and who had invested heavily, in the belief that the fictitious price could not last, grew wild with excitement when they found what preparations were making to corner the market. On the previous day gold had risen to 144. If it remained there or went higher thousands would be irretrievably ruined—not speculators alone, but honest business men with whose honor and credit these jugglers of the street were playing their game.

Gould and Fisk were early on the ground. They operated through a number of brokers, directing that all gold which was offered should be purchased till the "corner" was complete. Gould himself kept out of sight. He was known to be in his office, but he was careful that his orders should be issued through some third party. He was playing with loaded dice. If he won, he intended to pocket the profits. If he lost, he could repudiate his contracts.

All through the forenoon the excitement increased in intensity. Hundreds of telegrams were sent to Washington, appealing to the President to sell gold on government account, and thus break this conspiracy against the public welfare. These appeals were accompanied by plain hints that delay would be accepted as proof that Grant was in league with the gamblers.

At noon the order came to sell $4,000,000 in gold for the government. The order was communicated to the Assistant Treasurer by telegraph, and was immediately made known to Jay Gould and Jim Fisk, who, being thus forewarned, set to work to save themselves from the wreck in which they had involved the street. Among the brokers operating on their account was Albert Speyer, who had formerly been a brewer and had accumulated a handsome fortune. Throughout the forenoon he bought largely, bidding as high as 60 and 65 for gold. When the news reached the Gold Room that the government was selling, the premium immediately declined to 35. But Speyer kept on buying at 60, obeying implicitly the orders he had received from the chief conspirators.

When he was loaded down with more millions than he could count, he rushed wildly to Gould's office to report progress. He was received with the cool remark, "We don't want any of your damned gold." Poor Albert Speyer staggered out of the place, and before the close of the day was insane.

When night fell on Black Friday, New York felt that all the conditions of her commercial prosperity had been rudely assailed. The nominal transactions in gold for that one day aggregated $500,000,000. Fifty houses failed outright, and more than three times that number were rendered insolvent by their losses. The Gold Exchange did not open its doors again for business till the 30th of September. The demoralizing effect of the conspiracy spread far and wide.

GARFIELD THE FRIEND OF ROBESON.

THE CORRUPTOR OF THE PUBLIC SERVICE AND DESTROYER OF OUR NAVY.

Gen. Garfield has never failed as a member of Congress to defend rogues in high places. He has always been a sturdy opponent of investigations to unmask fraud and punish wrong-doers. Fellow-feeling makes us wondrous kind. He has experienced the evil effects of such inquiries, and very naturally opposed them upon every occasion and under all circumstances.

He is the friend of George M. Robeson, late Secretary of the Navy, whose administration of that department was the most corrupt, the most profligate and the most destructive, not only of our navy, but of the morals of our naval corps, that ever afflicted this or any other country. As Chairman of the Committee of Appropriations, Gen. Garfield was in a position to have curbed Robeson's reckless extravagance and check his destructiveness. All the estimates for the navy came to his committee. He passed upon all of them. Did he ever cut them down or propose any restrictive legislation ? Never!

GENERAL GARFIELD CANNOT PLEAD IGNORANCE.

He and his defenders cannot plead ignorance of Robeson's misdemeanors, of his shameless profligacy, of his wanton destruction of the American navy, of his open favoritism in purchasing materials and awarding contracts, of his illegal payment of trumped-up claims, and the consequent general demoralization of the service. The exposure of Robeson's corruption began in 1872. A republican representative, a gentleman of the highest character, Governor Blain, of Michigan, moved an investigation into some of Robeson's methods at the second session of the Forty-second Congress, which resulted in the most startling exposures. Two facts, brought to light by the inquiry, is sufficient to illustrate the character of Robeson's administration of the Navy Department, and establish the truth of our statement.

THE PAYMENT OF THE SECOR CLAIMS.

During the civil war Secor & Co. and Perine, Secor & Co. contracted with the Navy Department for the building of certain monitors for the sum of $460,000 each. These vessels were built, accepted by the government, and did good service. In consequence of a necessary change in the specifications of these vessels, determined upon by the Navy Department, after the contracts were made and work commenced, a large amount of extra work had to be done by the contractors. They did it, and after the vessels were finished and accepted by the department, they presented a large claim for additional compensation. They did not, however, confine their claim to the extra work rendered necessary by changes in the specifications. They demanded a very large sum for losses, in consequence of the rise in the cost of material and labor. They alleged that the changes ordered by the department caused delay, and that during the time lost thereby the advance occurred. The Secretary of the Navy, Hon. Gideon Wells, recognized the justice in principle of these claims and pursued the only course recognized by the law. He appointed a board of competent naval officers, at the head of which was the late Admiral Gregory, and to this board all these claims were referred. There were many others besides those of Secor & Co. and Perine, Secor & Co. This board examined, item by item, every charge made by the contractors for extra work, and upon their certification of the bills to the secretary they were promptly paid. There were paid in this way to Secor & Co. and Perine, Secor & Co., over and above the contract price of their work, the sum of $521,195.58. This was every cent allowed by Admiral Gregory's board. The contractors, of course, were not satisfied. Who ever heard of one who was willing to acknowledge that the government had dealt fairly and justly by him ? But Secretary Wells had done all that the law in his judgment permitted him to do. He treated the matter, so far as his department was concerned, as *res ajudicata.* The contractors must appeal to Congress. His duty was performed. If they had equities, Congress was the only body that had jurisdiction.

CONGRESS, IN 1868, PAID EVERY DOLLAR DUE THE SECORS.

Some time prior to March, 1865, the Secors and some forty other naval contractors appealed to Congress for relief, alleging that they had suffered great loss in the performance of their contracts over and above the contract price and allowance for extra work. They organized one of the strongest lobbies ever known about the Capitol. It was known as the "Iron Clad Lobby," and its doings are to this day the subject of gossip by the ancient habitues of the national capital. The result of this application to Congress was a request by the Senate, March 9, 1865, to the Secretary of the Navy, to organize a board to inquire into, determine and report how much the vessels of war and steam machinery contracted for by the department in 1862–3, had cost the contractors "over and above the contract price and allowance for extra work." Only those contractors who had given satisfaction to the department were to have consideration. This was the foundation of all subsequent legislation on the subject. The object was to establish a principal upon which the contractors could be fairly and equitably settled with by the government. Secretary Wells appointed the board, and made Commodore W. O. Selfridge president of it. The report of this board was sent to the Senate January 30, 1866. It contained a recommendation in favor of the Secors for $119,057 upon each of the three vessels—the Tecumseh, Mahopac, and the Manhattan. Nobody was satisfied with this report, and accordingly an act was passed by Congress directing the Secretary of the Navy to constitute a new board to ascertain the additional cost which had been necessarily incurred by reason of the changes and alterations in the plans and specifications and the delays caused thereby, which were not provided for in the original contract, the amount of all payments on account thereof to be deducted. A more comprehensive provision could not have been devised. Surely the contractors ought to have been satisfied with this enactment.

The secretary appointed a new board, of which Commodore J. H. Marchand was president. This board reported to the secretary November 26, 1867, who forwarded the same to Congress. The Secors were allowed by it $115,539.01 on account of the Tecumseh, Mahopac and Manhattan. Thereupon Congress determined to close, once and for all time, this matter, and by act of July 13, 1868, appropriated $115,539.01 to be paid Secor & Co. and Perine, Secor & Co., "IN FULL DISCHARGE OF ALL CLAIMS AGAINST THE UNITED STATES ON ACCOUNT OF VESSELS UPON WHICH THE BOARD MADE ALLOWANCE AS PER REPORT."

The Secors applied to the Treasury Department for this sum of $115,539.01, received it and gave a receipt that it was "*in full discharge of all claims against the United States on account of the vessels Tecumseh, Mahopac and Manhattan, upon which the board made allowance, as per report.*

ROBBER ROBESON VIOLATES THE LAW.

Could anything be more explicit and conclusive. They had merely an equitable claim. Congress, the only body having jurisdiction, acted upon their case, settled it, and required them, in accepting its allowance, to move hereafter all other claims which they might think had not been justly dealt with. Congress possibly might, in the plenitude of its power, not hold itself bound to regard this adjudication final; but would anybody suppose that a Secretary of the Navy, two removes from Secretary Wells, would feel himself justified in revising the work of Congress? Secretary Wells has regarded the whole subject of these claims *res adjudicata* long before he went out of office, and had referred the claimants to Congress. It is the unwritten law of the executive departments that a succeeding head shall not revise the decisions of his predecessor. Even this should have been sufficient to deter an honest Secretary of the Navy. But in this case not only had his predecessor passed upon the matter, but Congress itself had adjudicated it, and, as it intended, placed a bar against any further claim by the Secors. What did George M. Robeson do? He appointed another board, without any authority of law whatever, referred to it the identical claims which the Secors had submitted to the Merchant Board and which they had received, "in full discharge of" $115,539.01! Moreover, Mr. Robeson selected the Secors out of all the other contractors, forty odd, who had been treated in the same way by Congress. Nevertheless, he did it. He appointed a board, of which Commodore Bogy was president, and on August 7, 1869, it convened in Washington, examined the claims of the Secors for the construction of the Tecumseh, Mahopac and Manhattan, and on August 20, 1869, reported, allowing $93,000. This report was based solely upon a comparison of bills paid to one Greenwood for building another monitor. This award was forthwith paid by Robeson out of the appropriation for the current year for the support of the navy, in itself an illegal act, and against the remonstrance of Admiral Porter and the declaration by Chief Constructor Senthal that it was illegal.

ANOTHER WORTHLESS CLAIM PAID.

This claim of the Secors was managed and manipulated by one Simeon M. Johnson, a claim agent, who, fortunately for himself and unfortunately for the people of the United States, easily formed the closest relations with Robeson. Johnson's next operation with Robeson was to put through the Hungerford claim. Whipple & Stickney, as the attorneys of one Fayette Hungerford, a citizen of New York, had for collection a claim of $230,000 against the government. This amount was alleged to be due for losses sustained by Street & Hungerford, of Memphis, Tenn., by reason of their property having been taken by the United States army upon its occupation of that city. A portion of this property came into the possession of the naval forces and was taken to the naval station at Mound City, Ill. Street was identified with the Confederacy, while Hungerford was loyal. The claim was assigned to Hungerford, probably because of Street's indebtedness to him. Capt. Paterson, of the navy, certified that this property received at Mound City was worth about $75,000. Johnson undertook the management of the case in February, 1871; on the 15th of the month he writes to Whipple & Stickney.

AN INTERESTING CORRESPONDENCE.

I have presented Fayette Hungerford's papers to the secretary, * * * but there cannot be an adjustment till after the 4th of March.

These letters of Johnson, the intimate and confidential friend of Robeson, to Whipple & Stickney, are very interesting, and we quote liberally therefrom:

May 3, 1871, he writes: I had yesterday and to-day discussing the case of Hungerford at the Navy Department—that is, the question of the sufficiency of proofs. I found it worse than bad policy to press it during the session, and agreed to lay it over. * * * I am quite satisfied with the matter, except that it is not clear that there is any money to pay it. I think there is, and shall endeavor to find it, in case I get an order."

By June 8, 1871, Johnson was so far progressed that he thought it time to receive his and his friends share. He wrote, among many other things, the following:

"I have encountered a good deal of trouble in your case; some of it, I fear, insurmountable. * * * I have made no proposition of compromise whatever, nor would I do so without your advice and consent. I wish to consult your principal, and if he is willing to take $40,000 I will go to work on new propositions of adjustment. Meanwhile, be assured that I will at any time surrender the papers without compensation to myself. * * * They are always difficult (old matters), and in nine cases out of ten it is impossible to work them out. I do not want to influence your client in the least, but * * * I would think him lucky to get $40,000.

June 9, 1871. * * * A compromise needs a power of attorney; and to enable me to speak by authority I must have such power, which must be full; that is, to demand and receive of the Navy Department the amount that shall be found due on the claim, giving me absolute power to adjust the same at my discretion. * * * The matter has to be worked up a little at a time.

June 17, 1871. * * * Now, what I want is a full power of attorney in my own name. * * * I am certain that the terms I make are decidedly best for your client. If you and he think not, then I will surrender the papers.

June 22, 1871. * * * The claim is very old. * * * By the original agreement I was to have $15,000 of $75,000; but the wording of your memorandum is 15 per cent. I would like a prompt answer, as I have but little time to work up the matter. So far from wishing you to confirm these terms I would prefer to surrender the papers, for really I do not like the case. But having gone so far, if you feel yourself authorized to say to me that I may collect the claim and pay you $40,000, I will proceed.

"I MUST CHANGE MY TACTICS"—WHAT IT COST.

July 1, 1871. I may now add that I have been pressing the Hungerford claim, and expect to get the necessary reports within a few days. It is just one of those old things which is valueless if not nursed and worked up with great care. I have undertaken it so as to secure $40,000 to Hungerford and leave myself out of it, beyond my expenditures, nominally $10,000, but really not more than eight. The truth is, in ordinary hands the claim is good for nothing except to present to Congress, which really makes it valueless. I am confident shall work it off within a short time; and, in doing so, shall do your client a very great favor. I think I have gotten rid of the difficulty in the way of payment under the act of July, 1870, requiring unexpended balances to be covered into the Treasury. * * * I would recommend you to get from Hungerford an assent to receive a specific sum of money, on the basis of my payment to you when the claim is allowed, of $40,000. * * * All I can pay is $40,000 to you, no matter what is allowed, and that you should distinctly say to Hungerford. My arrangement, verbally made, was $15,000 for my fee, and I then said it was hardly likely that more than $60,000 would be paid. I *found that, to get any sort of hold, I must change my tactics;* and to do so I would be required to incur a large expenditure. * * * I have written you in all candor and to avoid all dispute. It is a question if $60,000 is allowed, or whatever sum, whether your power is sufficient to accept $40,000 and close the concern. Your authority through Mr. Whipple to me, is absolute, that you will accept $40,000; and your power to compromise is complete, but it must be a compromise with the government, not with me. You instruct me to settle on payment of $40,000 to you. That, of course, is sufficient for me; but I don't want to close out this thing and leave anybody to quarrel about. *All old claims are suspicious; and any payment, if proclaimed, would be condemned. You understand me.*

THE WORTHLESS CLAIM PAID—A $35,000 FEE.

July 6, 1871. When I want Hungerford, will telegraph you; don't want any more papers, I think.

July 13, 1871. Send your receipt to me for $40,000 in full, and draft attached to Riggs & Co., and possibly to-morrow, almost certainly, draft will be paid.

On July 14, 1871, Johnson received $75,000 for the Hungerford claim, as per the following voucher on file in the Fourth Auditor's office:

The United States Navy Department to S. M. Johnson, attorney for Fayette Hungerford, Dr., for property and materials furnished the naval station at Mound City, prior to June 30, 1870, seventy-five thousand dollars. Total, $75,000. Approved in duplicate for $75,000, payable by Paymaster Edwin Stewart, at Washington, from the appropriation of contingent yards and docks, 1860–'70.

GEORGE M. ROBESON,
Secretary of the Navy.

Navy Department, July 12, 1871.

Rec'd Washington, D. C., July 14, 1871, of Paymaster Edwin Stewart, seventy-five thousand dollars, in full, for the above.

S. M. JOHNSON,
Attorney for Fayette Hungerford.

$75,000.

This claim was of doubtful nature. In the language of Johnson, it *"was good for nothing except to present to Congress, which really makes it valueless."* It never would have been paid if it had been presented to Congress, because, as Johnson said, *"all old claims are suspicious, and any payment, if proclaimed, would be condemned."* And yet Robeson not only paid it, but designated an appropriation, out of which it should be paid, that Congress had made for an entirely different purpose. The manner in which it was done, the language of Johnson: *"I found that to get any sort of a hold, I must change my tactics, and to do so I would be required to incur a large expenditure;"* the payment of only $40,000 to the claimant and the division of $35,000 — just how nobody ever found out — all these circumstances speak as plainly as words could.

STILL ANOTHER ONE PAID.

Another utterly worthless claim which had been rejected by Secretary Welles— that for the Steamer Governor, amounting to $52,000, less than half of which reaches the claimants — was paid by Robeson in a like illegal and suspicious manner. Here, again, Johnson was the attorney, aided by one S. P. Brown, a defaulting navy agent who had set up under Robeson's protection as a naval contractor and general broker for Navy Department business.

These frauds were not the only things charged against the administration of the Navy Department during the first term of Robeson. His connection with the Cattells was made notorious by the Blair investigation. The press was ringing with charges against the manifest jobbing practised in the navy department. Mr. Beck of Kentucky and other Democratic members of Congress, whose long service on the Committe of Appropriations had made them familiar with the manner in which Robeson was squandering the people's money, in season and out of season, urged a reduction of appropriations and the setting up of additional safeguards, but Gen. Garfield, in charge of the appropriation bills, as chairman of the committee, defended Robeson and strenuously resisted every effort to call him to account or to restrict his power in the future. Mr. Beck, on one occasion, instanced the payment out of the appropriation for current expenses of the navy, of the Secor claim, in defiance of the act of July 13, 1868, and insisted that such things should be made impossible in the future, but his proposed restrictive legislation was resisted by Gen. Garfield.

THE VAST SUMS ROBESON SQUANDERED.

It was a well-known fact, often iterated and reiterated and never denied, that in addition to the large annual appropriations for the navy, Robeson was in the receipt of large sums of money from sales of ships, including stores and other public property. But the annual appropriations were large enough to attract attention.

For the fiscal year ending June 30, 1870	$22,206,591.64
For the fiscal year ending June 30, 1871	19,867,529.36
For the fiscal year ending June 30, 1872	21,729,924.53
For the fiscal year ending June 30, 1873	23,730,815.89
For the fiscal year ending June 30, 1874	30,859,347.46
For the fiscal year ending June 30, 1875	21,400,055.43
For the fiscal year ending June 30, 1876	18,919,935.36
	$148,714,199.67

This enormous sum of $148,714,199.67 was appropriated for the navy during the first seven years of Robeson's administration, while Gen. Garfield was Chairman of the Committee of Appropriations. And this in addition, be it remembered to the amounts realized by sale, barter and exchange of ships, engines, boilers, machinery and other public property, the original value of which was fully $100,000,000. And, notwithstanding all this money disbursed, it was a fact notorious to the whole world, the shame of the country and the reproach of all naval officers at home and abroad, that the American navy was year by year growing more and more worthless. We were not able to cope on the seas with even fourth and fifth-rate powers.

DID NOT GEN. GARFIELD KNOW THESE FACTS?

He was in a position of all other public men to know them! He was bound to know them! As the Chairman of the Committee of Appropriations it was his duty to know them! Not only was the records of the navy and every other department of the government open to him, but he could summon before his committee every employee of the navy department from its chief to the doorkeepers, and require an explanation of every item of the estimates and an account of the disbursement of every dollar previously appropriated. More than this, all the officers of the navy on duty at Washington or coming thither during the session of Congress were within his reach. Many of them were necessarily before his committee. Some of them, it is true, were demoralized by the degeneracy naturally following in the train of Robeson's mal administration, but there were officers who were still proud of their high calling and ready on all proper occasions to speak sadly and almost in tears of the constant and rapid destruction of the navy and the degradation of the service. No! Gen. Garfield cannot, dare not plead ignorance.

WHAT THE DEMOCRATIC HOUSE DID.

When the Democratic majority of the House of Representatives assumed control, December, 1876, one of its first acts was to direct an investigation of the Navy Department to find out something. The Committee on Naval Affairs was charged with the duty. The Committee of Appropriations, under the efficient, honest and vigilant chairmanship of Samuel J. Randall, was, in the meantime, not idle. The appropriation for the navy for the fiscal year ending June 30, 1877, was $14,959,935.36 — $6,284,950.16 below the average of the annual appropriations during the seven preceding fiscal years. It is true that Robeson, in defiance of law, and it is believed corruptly, within the last month of his administration, incurred liabilities and made disbursements largely from the pay fund of the navy, which created a deficiency for that fiscal year of $2,003,861.27, which Congress had to provide. This reduces, of course, the saving Mr. Randall and the Democratic House effected in their first year to $4,263,088.88, but they were not responsible for this. The amount they appropriated was ample, had the administration of the navy department been honest, to have met all its legitimate demands.

ROBESON'S SUDDENLY ACQUIRED WEALTH.

The Naval Committee of the House was all this time digging energetically into the mountainous corruption of the Navy Department. Their discoveries were astounding. They had but to scratch the surface and some hidious corruption was disclosed. First and foremost they proved what was before well known, that when George M. Robeson was made Secretary of the Navy he was comparatively poor. James M. Scovel, a leading Republican of New Jersey, intimately acquainted with Robeson for many years, whose cousin was, at one time, Robeson's law partner, testified: "I know that he was a very poor man, and was so reputed in Camden." The returns of Robeson, under the income law corroborated this evidence, for his sworn income in 1869 was only $1,000, and during 1866 and 1868 he swore he had none whatever. Following in this line, the committee found that within a few months after he became Secretary of the Navy Robeson opened large bank accounts with five different institutions. These bank accounts showed, at one time, the following plethoric financial condition:

State Bank at Camden, New Jersey [*]	$52,713.12
Banking-house of Jay Cooke & Co. [†]	55,118.00
First National Bank at Washington, D. C. [‡]	95,777.12
Banking-house of Drexel, Morgan & Co. [§]	35,213.62
Banking-house of Riggs & Co., Washington, D. C. [‖]	228,724.75
	$467,546.61

And during this time Robeson was engaged in no legitimate business. Moreover, his financial condition was such, when he began his official life, that he could have secured no very great capital with which to have begun business or with which to have speculated.

HIS FRIENDS, THE CATTELLS.

He owed his position in Grant's Babinet to the influence of Mr. Borie of Philadelphia and Alex. G. Cattell, then Senator from New Jersey. Mr. Cattell, undoubtedly, is chiefly responsible for Robeson, for whatever Mr. Borie did in his behalf was doubtless due to his relations with Cattell. Therefore, it is interesting to trace the relations of Robeson and the Cattells after the former's office life begun. The books of Messrs. A. G. Cattell & Co. show what these relations were. The bookkeeper of this firm, in his explanation of their books to the Naval Committee, showed that the firm deposited money from time to time with the Camden State Bank for the use of Robeson. The books also proved that their relations with him were so close that the latter occasionally loaned them his notes for respectable amounts, and in March, 1876, two of these notes amounted to $10,000. These same tell-tale books disclosed a "present" of $250 to "the secretary," and under the head of "Security" the payment to Robeson for "campaign purposes" of $3,000 at one time.

Again, there was a joint real estate speculation at Long Branch. Mr. E. G. Cattell, brother of A. G., testified that about the time the latter went to Europe as the Financial Agent of the Treasury Department, to supervise Syndicate operations, he took charge of building two cottages "on the Beach at Long Branch"—one for his brother, the other for Robeson—and that he paid out of the firm's (A. G. Cattell & Co.) funds $13,582.29, the cost of Robeson's villa. And, moreover, he further admitted that up to that time in 1876 there had been no settlement with Robeson on account of this transaction. There were joint real estate speculations, also, in Washington. They purchased lots on Sixteenth street. They cost $22,000. A. G. Cattell paid $11,000 cash for his half interest; Robeson, $3,000 cash and his notes for $8,000. The notes found their way to Jay Cooke & Co., and A. G. Cattell, through E. G. Cattell, paid them at maturity. There was never any adjustment of this account.

THE FIRM OF A. G. CATTELL & CO.

were commission merchants, doing business in Philadelphia. At the time, or shortly after Robeson became secretary, A. G. Cattell withdrew from this firm and the business was continued under the old name, with E. G. Cattell and his sons as the parties interested. A. G. Cattell withdrew gradually from the business his share of the capital, which was $105,539.42. At the time he withdrew the books show that E. G. Cattell had no capital and owed A. G. Cattell $7,223.95. How E. G. Cattell was able to do a flourishing business and rapidly pay his brother $105,539.42, besides accumulating in a few years a handsome fortune, will not appear strange as we proceed. This concern did not begin to do a navy business. Indeed, it appears that beyond furnishing five or six thousand dollars worth of flour or grain per annum, the firm proper had little to do in this line. E. G. Cattell knew a trick worth a great deal more—one that required no capital to be invested and no risk to be incurred.

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[*] Pages 213 to 225, Philadelphia, from July 1, 1869, to November 7, 1871.
[†] Pages 206 to 207, Philadelphia, from April 4, 1872, to June 16, 1873.
[‡] Pages 295 to 303, miscellaneous, from July 31, 1869, to September 4, 1873.
[§] Pages 264 to 265, from September 20, 1873, to August 1 1874.
[‖] Pages 304 to 309, from October 16, 1873, to April 4, 1876.

HOW CATTELL SOLD HIS INFLUENCE.

He simply sold his influence with the Secretary of the Navy. His brother, A. G. Cattell and Paymaster General Bradford, who afterwards, in connection with A. G. Cattell, transacted the confidential business of saving the firm of Jay Cooke, McCulloch & Co., in London, from bankruptcy, with the Navy Pay Fund, assisted E. G. Cattell to dispose of his "influence" in the best market, William Mathews, of 54 Catherine street, New York, was an old naval contractor. He had done a vast deal of business in times past, through Bradford, when he was only a paymaster. About the time Paymaster-General Bradford was going to Europe, he casually mentioned to Mathews that he was going to have serious competition—that A. G. Cattell, of Philadelphia, were about to go into the business of furnishing naval supplies, and it would be a wise thing to make an arrangement with them. Mathews is a shrewd man and knows a thing or two. He is always willing to pay a reasonable percentage for profits, if they are constant and large. Bradford suggested that the Cattells would be in New York shortly, and he would introduce them. This was done. An arrangement was made, which resulted very profitably to all concerned. There was no evidence obtained by the Naval Committee to show that Bradford was in any way interested in this arrangement. Bradford, however, at his death, left evidence which, if it is made public, will throw a strong light on these transactions and disclose very peculiar relations between himself, the Cattells and Mathews.

The argument was that E. G. Cattell was to aid in every way he could to throw business into Mathews' hands, and was to receive five per cent. on the gross amount of all he did with the Navy Department. This was some time in 1870 or 1871. Mr. E. G. Cattell testified in regard to it as follows:

Q. Did you pay any capital into the business? A. No, sir.
Q. What were you to do? A. All I could, and what I could.
Q. What you could do in what direction? A. In any direction that would help in the business.
Q. Were you to buy property? A. No, sir.
Q. Were you to measure property? A. No, sir.
Q. Were you to handle or store property? A. No, sir.
Q. Were you to manufacture property? A. No, sir.
Q. Were you to see to the delivery of property? A. No, sir; except it should become necessary.
Q. I have gone pretty well over that; what were you to do? A. I was to do anything I could; my business was to find out what would be likely to be needed; watch the papers, see the advertisements; keep my mind and self always in constant exercise of what ought to be sold or contracted for to the Department, and report to him.
Q. Were you not, by your agreement, to exercise any influence you possessed with the officers of the Navy Department? A. Influence and ability; wherever and whatever influence and ability I had I was to use.

Mr. Mathews explained what he understood the agreement to be, as follows:

> On my part it was an arrangement to prevent his interfering with my business; and in carrying out that arrangement, I think, as a rough estimate, I have paid him from four to five per cent. on the amount of business.

This business, in a very few years, less than five, amounted to $3,000,000, and Cattell received something more than $150,000 as his share.

ROBESON'S INTIMACY WITH THESE SCOUNDRELS.

The relations between the Cattells, Robeson and Mathews all this time were exceedingly intimate. Mr. Mathews' place of business is 54 Catherine street, a locality which is not usually frequented by ladies of the *beau monde,* and yet it appeared by Mr. Mathews' books that Mrs. George M. Robeson did her shopping there. And, moreover, her account there was invariably settled by Mr. Cattell. Not only this, but Secretary Robeson, when in need of any articles in New York, would send Mathews word, and he would meet him at the Fifth Avenue Hotel and supply his wants. On one occasion he was going a-fishing, and wanted an oil-coat, and accordingly Mathews met him at the Fifth Avenue, bringing with him his qualities for him to select from. Mr. Cattell testifies that Robeson was aware of his relations to Mathews :

Q. Mr. Robeson, then, knew of your arrangement with Mr. Mathews ? A. Mr. Robeson did ; I told him I could get a percentage.

HOW THE CATTELLS BLED OTHER CONTRACTORS.

The Cattells did not sell their influence to Mr. Mathews alone. He had the benefit of his influence in his particular line only. Mr. Cattell kept his business "in his head," and it was impossible for the committee to obtain a complete list of the contractors who paid for his "influence," but the following was verified as to names by outside evidence :

William Mathews, naval stores, clothing, etc.,	5 per cent. on $3,000,000
J. W. Bigler, timber dealer, 5 per cent on	1,199,046
W. C. Swift, timber dealer, 5 per cent. on	1,448,542
Caryl & Co., timber dealers, 5 per cent. on	....
Cramp & Son, shipbuilders, 5 per cent. on	863,441
D. S. Stetson, shipbuilder	....
Hammett & Neal, coal dealers	....
D. M. Noblitt, coal dealer, D. & J. Noblitt, "	5 pr. ct. on $700,000
Goodwin, baker and flour dealer	Unknown
Alexander, provision dealer	"
Post, wire rope	"
Ressinger & Co., lumber dealers	"
Mitchell, candles	"
Colton, Treasurer of Dredging Co	"
Water Proof Company	"
Knowlton, machinery	"
Lubbock & Co., beef packers	"
Total	$7,211,029

The amounts paid Cattell could not always be ascertained, even roughly, but he "guessed" he had received from the following dealers "about" the sums set opposite their names :

William Mathews	$150,000
J. W. Bigler	30,000
W. C. Swift	50,000
Alexander	5,000
D. M. Noblitt D. & J. Noblitt	35,000
Camp & Son	40,000
Hammett & Neal	$ 500
D. S. Stetson	2,000
Water Proof Company	4,000
Goodwin	5,000
	$221,500

Cattell was always uncertain as to the amounts he received, as the following extract from his evidence will show :

Q. How much did Post pay you ? A. I do not remember that now.

Q. Give me some general estimate of how much you received, without being precise ? A. I could not tell that.

Q. What did you estimate your receipts from Bigler ? A. It would be an impossibility to name the amount ; it may have gone up to $30,000.

THE GENERAL BLACKMAILING OF MATHEWS.

Mr. Mathews did not get off with his five per cent. to Cattell and his supplies to Robeson's family. Nearly every official of the Navy Department, the navy yard at Brooklyn and the Purchasing Paymaster's office at New York were his debtors.

By Mr. Harris (Republican) of Mass.: "Now, Mr. Mathews, I ask you if, during the last two years, the head of the Navy Department has not been your debtor ; if every paymaster who has been stationed at New York city has not been your debtor ; if every clerk in the Navy Agent's office in New York city, and every one connected with the Bureau of Provisions and Clothing at the navy yard has not been your debtor ; if the Disbursing Clerk of the Navy Department here, the principal clerk, and the next clerk to him in the Bureau of Provisions and Clothing ; if the Quartermaster of the Marine Corps and the Assistant Quartermaster and his clerk, Mr. Marks, have not been your debtors ? A. *To a great extent that is true.*

Not only were the clerks of the Navy Department with whom he came in contact leeches upon him, but those in the Comptroller's and Fourth Auditor's office of the Treasury Department, where his accounts passed, bled him. His old ledgers were filled with unsettled accounts against this class of public officials. In addition, his note ledger showed various sums of money loaned—to J. S. Delano, of the Second Comptroller's office, $500 ; John F. Denson, chief clerk to Paymaster-General Wilmough, $300—and not one of them ever paid.

OTHER GENERAL BROKERS OF NAVY BUSINESS.

The business of "General Brokers" for Navy Department business was not monopolized by the Cattelis. They did the largest part of it, but there was enough left to throw a few fine plums into a half dozen other shops.

Mr. William J. Murtagh, proprietor of the *National Republican*, official organ, Police Commissioner of Washington, who furnished detectives to spy upon the movements of the editor of the New York *Sun* and his Washington correspondent, and to set up jobs on Mr. Whitthorne, Chairman of the Naval Committee, sold his "influence" with Robeson in one instance for $4,000 to sell a lot of timber for George P. Wallace, and again for $10,000 to put through a claim of Joseph L. Savage, rejected by Secretary Wells, for $21,719.58.

S. P. Brown, erstwhile defaulting Navy Agent, then Naval Contractor, sold his influence for $40,000 or more to put through the claims, rejected by Secretary Wells, for the steamers Governor and Louisville.

The following table of "rejected claims" by Robeson is tabulated from official sources. They do not include all this class. Only the most prominent and notorious have been selected. In every one of them large sums were paid by the claimants for "influence."

LIST OF SOME OF THE WORTHLESS CLAIMS PAID.

Name of Claim.	Amount allowed or paid.	Former action.	Remarks.
Secor..................	$93,000 00	Rejected..	That is to say, the Secors had presented their claim to Congress; it had been acted on; the amount ascertained upon reference to the Secretary of the Navy, Mr. Welles, and they had accepted the amount which the act of Congress said should be in full discharge.
Governor..............	52,000 00	"	Secretary Welles passed upon this claim and rejected it. S. P. Brown, *employed for his influence*, does nothing, and, with S. M. Johnson, receives one-half the claim.
Savage.................	21,719 58	"	Original claim for $31,559.93, of which $9,838.35 allowed by Secretary Welles; balance disallowed. Savage employs Murtagh, for his influence, to collect this; is successful, and pays Murtagh $10,000.
Ames..................	216,015 38	"	Secretary Welles states the history of this claim in his proof. It was a claim founded on a contract to make certain guns. They were to pass inspection; they never did.
Engineers........ ...	20,000 00	....	This was for services voluntarily tendered the government during Secretary Welles's administration of the navy, which understanding he rejected.
Clara Dolson...........	9,450 00	....	Subsequently to this, claimant presented to Congress balance of this claim. Why should he not have done so as to this amount? It was paid, as in the case of the Governor, to the attorney.
Matthews..............	31,958 61	....	Presented, so far as record shows, first in May, 1873; allowed in November, by order of the secretary. E. G. Cattell receives fee of $10,000 for his influence and services; upon face of approved bills said to be for *reservations withheld* on account of duties charged, etc.—a false suggestion or a suppression of the truth.
Tilton & Wheelwright.	*32,000 00	....	This claim was examined into by Committee on Naval Expenditures.
Belknap................	21,000 00 130,832 00	....	Belknap was dismissed from navy by President Johnson. At that time he was in default $130,832, which it was alleged was stolen from him at Brooklyn Navy Yard. Secretary Welles, in dismissing him, two years after date of alleged robbery, stated that he had not applied for relief to Congress, etc. The circumstances of this case are altogether peculiar, and one which should have been examined into by court-martial or Congress before the allowance of his pay and the amount of his alleged defalcation.
Bonsall........	4,615 00	....	Attorney representing claimant was A. C. Scovel, former partner of the secretary. Pay allowed to claimant when not an official of the navy.
Louisville.............	*82,000 00	Rejected..	This claim was rejected by Secretary Welles. whose account of it is wholly different from the present secretary's. The claimant was represented by S. P. Brown.
"Hungerford".........	75,000 00	....	This claim has been commented on. See below.
Total...............	$789,590 57		

*About.

THE BOLDEST OPERATION OF GEORGE M. ROBESON

Was his use of the Navy Pay Fund to sustain the banking house of Jay Cooke, McCulloch & Co., in London. The foreign account of the navy had been kept from 1815 with the justly celebrated house of Baring Brothers & Co., London. They were not only reliable, but all during our civil war they were true friends of the Union cause, and by liberal and assiduous efforts had contributed largely to the maintenance of our credit abroad during that troublous period. Moreover, Congress, by an act passed in 1844, provided:

That no person shall be employed or continued abroad to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

The appointment of Baring Brothers having been made in 1815, this provision did not apply to them, but, without its violation, their successors could not be appointed unless "by and with the advice and consent of the Senate." Nevertheless, Robeson did, of his own motion, in May, 1871, remove the foreign pay account of the navy from Baring Brothers and appoint Jay Cooke, McCulloch & Co. their successors "to receive and pay money for the use of the naval service on foreign stations."

In an official letter of May 15, 1871, addressed to Baring Brothers & Co., he assigned to them the reasons for the change:

I beg to assure you that this change in no way grows out of any dissatisfaction of any kind on the part of the department with your house, which has for so many years and so acceptably transacted its foreign financial business, but is the result solely of the opinion entertained by the department that the establishment in London of respectable houses of purely American origin and character makes it in every sense becoming and desirable that the government business should be entrusted to some one of them.

In a private letter of May 23, 1871, addressed to Henry Clews, Robeson assigned the following reasons for the change:

"POLITICAL AS WELL AS FINANCIAL REASONS."

My Dear Clews: I have your letter of the 19th instant, in regard to the appointment of a fiscal agent of the government abroad. I am sorry I was absent when you were here, for I could have explained to you personally, much more fully and satisfactorily, the situation of this matter. The truth is, that the Navy Department really has no fiscal agent abroad, but has hitherto kept its account with Baring Brothers & Co., of London. This account I transferred about the first of the present month to Jay Cooke's house abroad. This I did for the broadest political as well as financial reasons, looking to the good of the service abroad as well as strengthening the party and administration at home. The house of Jay Cooke & Co. has, as you know, large and extended interests and influence throughout the country. Their connection and influence with the national banks; with the Pennsylvania Railroad, which controls the State of Pennsylvania, and which, absorbing the Camden and Amboy Railroad, now controls New Jersey, and stretches from its western terminus across many of the Western states far toward the Pacific; their interest in the Northern Pacific, and their general interest in the country, make them very powerful friends when actively interested in the success of the administration, and dangerous enemies, in vital localities, when indifferent or unfriendly. These were some of the considerations which influenced me, and which would have still influenced me, had I known of your application, which I did not at the time when I acted. In addition to this, they are entirely an American house, without any connection with any foreign person or interest, and having been largely connected with the financial operations of the government during the war, and contributing largely to its success in connection with local men like yourself, it seemed to be proper, under the circumstances, that this account should be given to them.

WHERE THE FINANCIAL REASONS CAME IN.

The appointment undoubtedly was largely due to "the broadest political as well as financial reasons." The Cookes, all powerful, then had brought their influence to bear on Grant, and he indicated his desire to have the change made. But this was not all. The relations of A. G. Cattell to the Cookes was of the most imtimate character. The house of Jay Cooke, McCulloch & Co. was established in London to enable them to figure more conspicuously and profitably in the Syndicate operations, as well as to aid their Northern Pacific enterprise. A. G. Cattell was to be the financial agent of the government in London, to represent it in the Syndicate transactions. The opportunities for percentages, perquisites and other profits would be great. The establishment of a house of "purely American origin and character" would aid in the direction, and make more convenient and confidential "crooked" transactions. It was here that "the financial reasons" for the change came in. The change was made. It placed in the hands of Jay Cooke, McCulloch & Co. several million dollars annually. The concern was ostensibly started with a million dollars capital, but in reality it depended entirely upon the government money in its custody, from the

Syndicate operations and the naval foreign pay account, to carry on its business. This was not only sufficient for this purpose, but the house of Jay Cooke & Co. was enabled, when the financial stress, which caused the panic of 1873, began to be felt, to draw upon the London house largely. At the time of their failure Jay Cooke & Co. was indebted to Jay Cooke, McCulloch & Co. about $1,800,000.

WHAT FOLLOWED THE PANIC OF 1873.

On the 18th of September, 1873, the panic began with the failure of Jay Cooke & Co. The disaster was widespread and ruinous in its effect. Wise men had seen the danger afar off. Samuel J. Tilden, in February preceding, pointed out the impending financial crash, and predicted its culmination in the coming fall. But the adminstration of the government was totally unprepared for it. Prompt and ordinarily sensible measures would, however, have immediately made the government secure against any losses abroad. It had an inconsiderable amount of the Navy Fund in the hands of Jay Cooke, McCulloch & Co., and the government, as a preferred creditor, could readily have made itself safe by asserting its claim against the property of Jay Cooke & Co. in this country, as well as against the bondsmen of Jay Cooke, McCulloch & Co. This, however, would have bankrupted the latter concern and ruined A. G. Cattell, one of their sureties. Measures were promptly taken—not to save the government, but to sustain Jay Cooke, McCulloch & Co. The government was actually indebted to Jay Cooke, McCulloch & Co. £37,758, 6s. on the 18th of September, 1873. It is true that a requisition, No. 2024, was drawn July 2, 1873, in their favor, for $205,714 5s., but a time draft for that amount was sent, and, as the record shows, was not due and was not paid till September 22, 1873—four days after the failure of Jay Cooke & Co. But even admitting that the government was in honor bound to pay this draft, which it could have stopped—there being no evidence then or since that it had passed into the hands of innocent holders—still, it only made the government creditor of Jay Cooke, McCulloch & Co. in the sum of £166,932 2s , or less than $900,000.

JAY COOKE, M'CULLOCH & CO. SUSTAINED WITH THE PEOPLE'S MONEY.

In this condition of things, what did Robeson do? On September 17, 1873, he had drawn a requisition for $1,000,000 on the pay fund of the navy in favor of Jay Cooke, McCulloch & Co. The Secretary of the Treasury, September 18, 1873, stopped the draft issued on this requisition *in transitu* to New York. Robeson not only had this order revoked and countermanded and the money go forward to Jay Cooke, McCulloch & Co., but between September 24 and 27, 1873, he sent forward an additional amount of $381,333.35.

He immediately communicated by cable with Paymaster-General Bradford, then abroad, directing him to report at once to London, and again, in defiance of the Act of 1844, sent him a commission constituting him an extraordinary fiscal agent " to receive and pay money for the use of the naval service on foreign stations." He also communicated with A. G. Cattell, giving through him particular and definite instructions to Bradford for the protection and care of Jay Cooke, McCulloch & Co. He established a secret cipher with both Cattell and Bradford, by which they could communicate with him by cable. He authorized Bradford to open accounts with the Bank of England and the banking house of Williams, Deacon & Co., and other concerns, and to borrow on the credit of the United States whatever sums of money he might require to pay the drafts drawn on Jay Cooke, McCulloch & Co. by naval paymasters on foreign stations, in order to leave that concern the large amount of money of the United States he had forwarded them after the panic, September 18, 1873. This Bradford did, his accounts with the banking house of Williams, Deacon & Co. showing that more than once he borrowed money for this purpose on the credit of the United States in sums reaching nearly if not quite a million dollars. And further, the records show that Robeson, in order to enable Bradford to meet liabilities incurred in this and other ways, anticipated appropriations, drew from appropriations made for one fiscal year and applied the money to liabilities incurred in a preceding year, all in defiance of express legislation to the contrary.

WHO SUFFERED AND WHO DIDN'T.

By these acts, done in violation of law, the pay of officers and sailors was diverted to an illigitimate object, and at one time the naval corps was more than six months unpaid. The unfortunate officers suffered the greatest hardships, and the country rang with their complaints. Bradford was detained in London for several years at this illegal work. In the meantime, the government had obtained a lien upon a lot of railroad iron, bought by Jay Cooke & Co. for the Northern Pacific Railroad, and, by being held preferred creditors, in one way and another, by hook and by crook, finally managed to make itself whole for the amount advanced by Robeson to sustain Jay Cooke, McCulloch & Co. But if the expense and all other things are taken into consideration, it was largely a loser by the transaction.

A. G. Cattell, however, did not suffer in any way by the transaction. As the agent and attorney of the Navy Department, he had control and manipulation of many millions of collaterals pledged to secure the advance to Jay Cooke, McCulloch & Co., consisting of banking paper, 23,000 tons of railroad iron and the individual estate of Mr. McCulloch, upon all of which he drew a percentage as his fees.

ROBESON'S MANIFOLD VIOLATIONS OF LAW.

The Naval Committee, moreover established by irrefragible proofs that Robeson had disregarded the law :

> In failing to advertise for supplies, materials and other articles required by the department.
>
> In not requiring proper bond and sureties from those who made contracts and agreements with the department, now being required in the majority of cases.
>
> In not, in a single instance, prosecuting and enforcing the law against defaulting contractors.
>
> In making payment in advance of work and complete delivery, a bare-faced instance of which exists in the case of the contractor for the destruction of the "Hero" and the "Piscataqua" at the Washington navy yard, the contractor in this case dropping the job when it ceased to be profitable, and leaving the government without any adequate protection against his default.
>
> In permitting contractors to be relieved from the fulfillment of their contracts when it was apparent that their failure to do so originated from a fraudulent purpose. The method of these frauds was as follows: At the regular annual lettings, articles for which bids were invited were scheduled in classes. A knowing or favored contractor would take a certain portion of the articles which he knew would be largely demanded, and on these fix large prices and then on a vast number of other articles, which he knew would not be wanted entire, he would bid low. When the bids came to be scheduled in the department, the prices would be arranged, and thus the favored contractor would appear to be the lowest bidder. He would furnish the large quantities for which his bids were high, and then the department actually not requiring the quantities of the other articles on which his bids were very low, he would be relieved from delivery.

It was also established that gross frauds and abuses were made easy on the government because the system of inspection under Robeson was a sham. This was especially the case in the acceptance of live oak from certain contractors. In one single instance, in which S. B. Brown and John Bigelow, a friend, by the way, of Paymaster-General Bradford, were the contractors, they got pay for 60,000 feet before—months before—it was delivered. And again, when timber was rejected by one inspector at a navy yard, it was sometimes shipped to another, and order obtained from Robeson to receive it.

THE NAVY YARDS TURNED TO POLITICAL ACCOUNT.

To prevent the use of the navy yards as political machines, Congress at different times enacted stringent laws regulating the employment of workmen. The Acts of March, 1867, June, 1868, and May, 1872, provides, among other things:

First. That master workmen in the various navy yards should be men skilled in their several duties.

Second. That no officer or employee of the Government should require any workman to contribute any money for political purposes, and that no workman should be removed or discharged on account of his political opinion; and

Third. That laborers should be employed in the several yards by the proper officers in charge, with reference only to skill and efficiency, and without regard to other considerations.

These enactments were systematically disregarded with the knowledge of Robeson. The Committee on Naval Affairs, after a thorough examination of this abuse, was satisfied that during elective years fully $1,000,000 per annum was used through the navy yards for corrupt partisan purposes. The following illustrates Robeson's methods of accomplishing this political debauchery with the public money.

[Private.]

BOSTON, Mass., Oct. 23, 1874.

My Dear Commodore: I wish you would approve requisition for men to be emplcyed, as they may be, made until 1st of November.

Some fifty additional men have been allowed from the Chelsea district, and I suppose some more will be required from Gooch's district.

The administration desire the success of Gooch and Frost.

Yours, very respectfully, J. HANSCOM.

To Commodore E. T. NICHOLS, U. S. N., Commandant.

[Telegram.]

WASHINGTON, Feb. 21, 1873.

Commodore J. C. HOWELL Commandant Navy Yard:

As the Monongahela is wanted, you may employ forty men on her in addition to present force. Give N. H. a large share.

J. HANSCOM,
Chief Bureau Const. and Repairs.

HOW AND WHAT IT WAS DONE FOR.

This was for the benefit of New Hampshire Republicans at their spring elections. At the time of these communications elections were pending in the states of New Hampshire and Massachusetts respectively. Orders for labor and the assignment of the amount of money to be expended at the different yards are made by the Secretary of the Navy through the heads of bureaus. No commandant of a navy yard, nor any officer there, can, of his own free will, originate any work or determine the amount of money to be expended. This is done entirely by the department at Washington. Hence, when any political purpose is to be accomplished, as, for instance, at Norfolk, when an election is pending, the Galena, or some other vessel that has been nominally undergoing repairs for the last three or four years, is ordered by the chief of the bureau at Washington to be worked upon, and a given amount of money is set apart for that purpose, of which the officers at the Norfolk navy yard are duly notified. So at Boston, another vessel is ordered to be worked upon; a certain amount of money is set apart for it by the chief of the bureau, and instructions are given accordingly.

An examination of the rolls of the various navy yards show that during the month preceeding elections and the month in which the election is held, the force of employees are double and sometimes quintuple what it is in the same month in years when there are no important elections.

ANOTHER OF ROBESON'S METHODS OF EVADING THE LAW

was to make contracts with favorite contractors to repair certain ships. The law forbids the expenditure of any money or the incurrring of any liabilities, unless in pursuance of appropriations specifically made. Robeson got around this by giving certain contractors contracts to repair vessels and take part pay from material. A small piece of iron would be taken, say from the Puritan, and about it would be built an entirely new ship, into which went the old iron from three or four other vessels. Other vessels were broken up, and the old material, iron, copper, wood and machinery, bartered or exchanged for new material. Sixteen ships were destroyed in this way, and always to the advantage of favored contractors. All this was in violation of law, or without authority of law. The Secretary of the Navy possesses no right whatever to destroy a vessel belonging to the United States. He possesses power to sell at *public* sale any "vessel and material" of the United States Navy that "cannot be advantageously used, repaired or fitted out." If in his judgment such sale could not be advantageously made, it is his duty to report to Congress the fact and obtain authority to make other disposition of the property.

THE SYSTEM OF BARTER AND EXCHANGE

was confined to the old material of ships; but the Bureau of Provisions and Clothing did a large business in the same way with Mr. Mathews, to his and the Cattell's advantage. In all, some $15,000,000 of the property of the United States was thus privately and without competition disposed of by Robeson. The terms on which the old iron was exchanged Hon. Abram S. Hewitt, of Cooper, Hewitt & Co., perhaps one of the most competent experts in the country, pronounced "most extravagant, wasteful and improvident." He declared that the contract with Seyfert, McManus & Co., by which 4,538,781 pounds of old iron was exchanged at the rate of eight pounds of old for one of new, was outrageous, and that the treasury of the United States was robbed thereby. He asserted that if the iron trade of the country had had any knowledge of the disposition about to be made, and a chance to compete had been given, the government could have readily obtained three cents a pound for the old iron.

The catalogue of Robeson's misdemeanors is almost interminable. He violated the law in not awarding contracts to the lowest bidders; in giving contracts without advertisement and without competition; in making purchases of large quantities of supplies privately; in permitting contractors who were favorites to rule navy yards; in countenancing sinecurists; in permitting the use of government property and material for private purposes; in applying money appropriated for one purpose to another.

THE RUIN OF THE NAVY THE RESULT.

And what was the result of all this jobbery; all these violations of law; all this shameless corruption and maladministration? Up to the period of which we now speak he had spent more than $150,000,000; what was there to show for it? As to the efficiency of the navy we quote briefly from a great number of opinions given by officers of the navy upon its condition at that time:

Vice Admiral Rowen: Our cruising vessels of war, as compared with the navies of the principal powers, are inferior; lamentably so in speed.

Rear Admiral Leroy: The vessels of our navy are inferior in construction, armament, speed and other properties to nearly all the vessels I have met belonging to foreign powers.

Rear Admiral Pennock: It compares unfavorably with other navies.

Rear Admiral Almy: The speed and efficiency of the United States vessels of war are, in general, inferior to those of the vessels of war of other powers.

Rear Admiral C. R. P. Rogers: As compared with the navies of the chief foreign powers, I think our own inefficient in its more powerful ships.

Rear Admiral Stribling: I am not favorably impressed with the efficiency of our navy as compared with that of other countries.

Rear Admiral Lee: It is mortifying and humiliating to witness the amount of scarcely more than naval trash that has been turned out, and of which our navy, as to vessels, is now in a large degree composed.

Rear Admiral Jenkins: Fifteen or twenty years since we had the credit of having, vessel for vessel, those superior to any in foreign naval service; now none so poor as to do us honor by offering us praise.

Rear Admiral Sands: There is not much doubt that our navy has gone backward in efficiency.

Rear Admiral Emmons: We have gradually dwindled from a third to a sixth or eighth-rate power.

Commodore Amman: Our vessels are, I fear, in general, inferior in speed, especially under steam, to those of the same classes in the better foreign navies.

The opinions of a score of other officers to the same effect could be added. It would be supererogation. The fact is undeniable that our navy is worthless. When Robeson became secretary, in 1869, there were 203 vessels on the register. Eight sloops-of-war and two torpedo boats were, by authority of Congress, built during his administration. Three more were purchased. The Committee on Naval Affairs estimate that Robeson to 1876 expended $170,000,000, used or disposed of the material of 70 ships of war, and contracted liabilities amounting to several millions of dollars, and yet the navy was in a worthless condition. Admiral Porter gave it as his opinion that at least 60 or 70 million dollars of the money expended by Robeson would have been saved by a wise and honest administration. The Naval Committee of the House declared that if it had been honestly expended, our navy would have been at once the pride of our own people and the admiration if not the envy of other nations. The responsibility for all this waste of public money, for the degradation of the service, the demoralization of the bureaus of the department, the same committee traced directly to the Secretary of the Navy.

GENERAL GARFIELD OPPOSES FURTHER INVESTIGATION.

The above is an outline only, hurried and incomplete, of what the Naval Committee of the House, during the Forty-fourth Congress, discovered and reported. In the judgment of its members, and everybody else who had knowledge on the subject and an honest desire to see the bottom facts laid bare, there remained a great many other things to be inquired about. This was the judgment of the majority of the House at the beginning of the Forty-fifth Congress. Accordingly, on December 14, 1847, Mr. Fernando Wood reported from the Ways and Means Committee a resolution which, among other things, directed the Committee on Naval Affairs to further prosecute the inquiry begun in the preceding Congress. The Republicans, under the leadership of Gen. Garfield, made sturdy opposition and raised every imaginable point of order against it. Upon one occasion Gen. Garfield said:

> I desire to make a point of order upon this series of resolutions as not being a privileged report from the Committee of Ways and Means at any time, and it does not relate to revenue or anything which, under rule 151, the Committee of Ways and Means is charged with, and upon which it is permitted to report at any time. Therefore, to-day, when that committee is not under call, this is not a privileged report from the committee.
>
> The Speaker overruled the point of order.

The merits of the resolution were discussed, and Gen. Garfield, still with a view to debating it, said:

> The gentleman from New York (Mr. Wood) is well aware there could have been perfect unanimity in the Committee of Ways and Means as regards the reporting of this resolution, if the clause giving power to send for persons and papers from all parts of the country, of sending for private citizens everywhere, had been left out.

Mr. Wood reminded Gen. Garfield that unless that power was given the proposed inquiry would amount to nothing. There could be no investigation without witnesses and papers.

This, of course, Gen. Garfield knew perfectly well. The power to send for persons and papers, as he had experienced on more than one occasion, was dangerous only to those who had something to conceal. His object was to defeat the inquiry and prevent further exposure, which would be not only damaging to his friend Robeson, but to his party. The only way to prevent the adoption of the resolutions was to prevent their consideration. The Republicans, therefore, under Gen. Garfield's lead, filibustered all that day. (*See Record, vol.* 7, *part* 1, *2d Sept., 45th Cong., pp.* 227–231)

FILIBUSTERING TO PROTECT ROBESON.

The next day the same tactics were resorted to By filibustering, action was prevented till after the holiday recess, for Congress had previously resolved to adjourn till January 10, 1878. During all this filibustering, Gen. Garfield was the leader of his side. (*See Record, Ibid, pp.* 237-246.)

When Congress reassembled, January 10, the fight was resumed. Gen. Garfield still led the opposition. Referring to the investigation of the Navy Department at the preceding Congress—the results of which we have summarized in the preceding pages—Gen. Garfield said that no one believed that it was worth what it cost. Mr. Clymer, of the Committee of Appropriations, called him to task at once, and said that the results of that inquiry had enabled his committee to effect vast savings. This discussion took place in the Committee of the Whole, where the yeas and nays could not be called, and Gen. Garfield and his friends succeeded in amending the resolution in a way which would, if finally adopted, have rendered nugatory the proposed investigation. In the House, however, the yeas and nays were called, and the resolution, as originally reported, was adopted on a yea and nay vote. Gen. Garfield voted NO. (*Ibid, p.* 290.)

WHAT WAS FOUND DURING THE FORTY-FIFTH CONGRESS.

Under this resolution the Naval Committee reported to the House February 21, 1879. They showed from official records from the close of the fiscal year, 1870, to the close of the fiscal year, 1877, $173,674,170.36 had been expended; that, in addition, there was a deficiency for the fiscal year, 1877, of $2,003,861.27; a further amount, necessary to pay bills, approved that year, of $3,217,738.76, and contingent liabilities incurred during the same year of $3,600,263.09. So that Robeson, in addition to millions of material sold, bribed and exchanged, had disbursed in eight years the sum of $182,496,033.48. He left a navy which, according to Republican Representative Harris, of Massachusetts, was—

> In comparison with the leading naval powers of the world, in a very humiliating and unsatisfactory condition.

The present Secretary of the Navy, in his first annual report, recited the condition in which he found things upon assuming control. He said:

ROBESON'S SUCCESSOR TELLS UNPLEASANT TRUTHS.

On March 1, 1877, the indebtedness of the Bureau of Steam Engineering to sundry individuals and companies, for balances due upon contracts made before that time—

For machinery, boilers, &c., was	$1,454,694 33
For materials, stores, &c., was	206,852 75
Total	1,661,547 08

On March 3, 1847, contracts were made by the department for work on account of the iron-clads Puritan, Monadnock, Terror and Amphitrite, aggregating $1,165,000, each of which contained a provision that no portion of the money should be paid until appropriated by Congress.

Contracts were also made March 7 and March 10, 1877, for boilers for the Tuscarora, Narragansett, Snowdrop and Dictator, amounting to $331,621.09, making a total indebtedness of this bureau March 10, 1877, $3,158,168.77. *As there was no money appropriated by Congress subject by law to be applied to payments of work done under the contracts made subsequent to March* 1, 1877, *these contracts were suspended, and the order of suspension has not been revoked.*

To the above aggregate of indebtedness should be added, for necessary purchases, &c., from March 1 to July 1, 1877, the sum of $5,747.29, making the total indebtedness of the Bureau of Steam Engineering to July 1, 1877, $3.163,915.47.

THE INDEBTEDNESS OF THE BUREAU OF CONSTRUCTION AND REPAIR,

As ascertained up to March 1, 1877, was, upon bills in requisition of navy paymasters, $185,680; accrued bills not drawn, $83,558.71; for labor at navy yards, $27,949.76; and bills held by parties and available only after an appropriation to meet the same was made by Congress, $547,609.64. Large quantities of timber had been contracted for, part of which had been delivered and another part was to be thereafter delivered. That part to be delivered was contracted for by orders from the bureau, which, having been issued when there was no money on hand to pay the bills and without advertisement and competition, were all suspended.

A contract was made by the department February 8, 1877, for the impregnation and preservation of timber, for which it was agreed to pay $14,000 for one hundred thousand feet of timber, and beyond that quantity four cents per cubic foot, with further conditions in reference to the execution thereof. This contract was also suspended for the same reason as those referred to above, and is not therefore embraced in the foregoing estimate of indebtedness, as the amount to be paid under it, if executed, is indefinite.

THE INDEBTEDNESS OF THE BUREAU OF PROVISIONS AND CLOTHING.

On March 1, 1877, for bills for provisions, was $55,846.31; for clothing, $385,189.08; for small stores, $28,500; and for freight, $3,935.91; making a total of $473,471.30. It is due to the management of this bureau, however, to say that there was due to it on account of clothing issued and checked against pay of the navy, $339,200.23, and that it was indebted to pay of the navy on account of purchases and expenses of storehouses abroad, $225,742.77; for clothing, $3,489.05, and for contingent expenses, $4,548.30, making a total of $233,780.12. So that, in striking the balance between this bureau and pay of the navy, the latter fund remains in debt to it $105,420.11, for which there has been no transfer. The bureau has also unsettled balances with the other bureaus and the hospital fund, as follows: The other bureaus are indebted to it in the sum of $8,779.80, while it is indebted to them and the hospital fund $4,946.96, leaving $3,832.84 in its favor. If these adjustments were all made between the bureaus it would, therefore, reduce the indebtedness of this bureau to $364,218.35. But as all the money appropriated for the last fiscal year has been expended, and no portion of that appropriated for the present fiscal year is applicable to the adjustment of these balances, the indebtedness of the bureau cannot be relieved in any other way than by the appropriation of the whole amount of $473,471.30 by Congress.

If the sums covered by these suspended contracts be held as chargeable against the Bureaus of Steam Engineering and of Construction and Repair, the total indebtedness of the three bureaus is $7,083,503.25.

EXTRAVAGANCE AND NO NAVY.

From these it will appear that, with "no navy," large expenditures of public money, and vast quantities of public property disposed of, there existed at the close of Mr. Robeson's administration an indebtedness, actual and contingent, of $7,083,503.25 in the Navy Department—an indebtedness not warranted by law, since indebtedness cannot legally be made by any agent of the government except by the consent and authority of Congress. That one department of the government should be found in this condition; that agents of the government who were the sworn executors of the law, and who stood in high places, should be so unmindful of their obligations and duties as to involve the faith of the government in such large amounts, and that, too, in times of profound peace, was startling.

It was with such an exhibit before them that the committee of the Forty-fifth Congress entered upon the investigation.

A TERRIBLE SHOWING.

The committee reported that—

In the year 1865 there were borne on the Naval Register the names of some six hundred and fifty vessels; there was then also on hand a large number of engines, boilers, machinery, stores, and materials, the aggregate cost, if not value, of which was from two hundred to three hundred millions of dollars. Up to 1869 there had been sold over four hundred of these vessels; the majority of them were of less cost than those retained, and no very large amount of materials had been disposed of—leaving, in 1869, and just prior to the administration of Mr. Robeson, two hundred and three vessels in the navy, together with a large quantity of materials and stores, not attached to ships, but being in the different navy yards of the country. Now, within these eight years, there have disappeared from the Naval Register the names of about seventy vessels, and there have been added to the register eight. Of the seventy which have disappeared, five have been lost at sea; forty-six have been sold, and their proceeds paid into the treasury; three have been sold, and their proceeds paid over or credited to contractors, and twenty have been destroyed by order of the secretary or his subordinates, and the materials "cut up," paid over or credited to contractors. Large quantities of materials, such as engines, boilers, plate, iron, &c., have also been sold and delivered to or bartered or exchanged with contractors.

Assuming the estimate hereinbefore made approximates correctness, and calling attention to the fact that the account of stores in the then indebted bureaus shows a diminution of stores (except in the item of live-oak timber in the Bureau of Construction), we have this showing, viz:

Expenditures in money	$182,496,033
Public property sold, used and consumed principally for construction and motive power, which cost the government $100,000,000, one half of which is charged	50,000,000
Total	$232,496,033

Of the public property disposed of privately there were—

31 vessels, original cost	$13,775,837.52	Realized $542,524.47
21 vessels, original cost	12,614,390.45	Realized 429,983.73
Provisions and small stores, original cost	525,640.47	Realized in trade 205,536.39

From the Bureau of Steam Engineering millions upon millions of pounds—engines, complete and incomplete, boilers, shafting, propellers, tubes, iron and brass and composition, which must have cost forty or fifty millions of dollars. Recapitulating, the committee say:

MILLIONS OF PROPERTY BARTERED AWAY.

Four vessels, costing $3,002,390.48, have been sold without advertisement, the proceeds of three of which have not been paid into the treasury; twenty vessels cut up and destroyed, costing

$12,614,394.35, their material sold as old scrap, and proceeds exchanged; multiplied millions of material from the Bureau of Steam Engineering, consisting of engines, boilers, complete and incomplete, iron, copper, brass and composition, costing a vast sum of money, has been sold, bartered and exchanged for sums of money not greatly in excess of the cost of destruction, but the proceeds of which have not been paid into the treasury; large quantities of provisions and clothing have been sold, bartered and exchanged, costing large sums of money, for small prices, but the proceeds of which have not been paid into the treasury, and all of which, except in case of clothing, should have been done. Not being paid into the treasury, it has been applied, as stated by the actors in this so-claimed "barter and exchange business," to useful purposes. Suppose it be admitted, for the nonce, that this immense amount of public property was so used, it is replied, in the first place, that there was no authority under the law so to use it; secondly, a report of the disposition should have been made to Congress; thirdly, it was an application of the proceeds of public property without the knowledge of or an appropriation by Congress.

THE LAWS OF 1872 VIOLATED.

This disposition of the public property was in direct violation of the acts of Congress, approved May 8, 1872, and May 23, 1872. These acts were intended to prevent exactly what Robeson did. At the close of the war the War and Navy Departments having a surplus of material of war on hand, began to dispose of it. Congress, noting this, and that the property was not only sacrificed, but the money realized was not turned in to the treasury, thought proper to restrict the powers of the executive officers of the government. The Act of May 8, 1872, provided that all proceeds of sales of material, condensed stores, supplies, or other public property of any kind, shall be deposited and covered in to the treasury as miscellaneous receipts, and shall not be withdrawn or applied except in consequence of a subsequent appropriation. And the Act of July 23, 1872, regulated the manner of sale by the secretary of the money of such vessels and materials as in his judgment cannot be advantageously used, repaired or fitted out. It also required, before such sale, public notice by advertisement in some leading newspaper in at least four of the principal cities of the United States, which should state the number of vessels and the amount of materials proposed to be sold, together with a description thereof, and when and where the same could be examined. Full report was to be made to Congress by the Secretary of the Navy of all his acts under the act, the property sold, the parties buying, the amount realized, and, further, required all moneys received on account of the sales to be covered in to the treasury. Not one of these requirements of the Acts of May 8 and May 23, 1872, were complied with by Robeson, but every one was violated.

In concluding their report, the committee say:

HUNDREDS OF THOUSANDS OF DOLLARS TO "PROCURERS."

Your committee are thoroughly satisfied that large sums of money have been lost to the government by this disregard of the law; and if any additional evidence were wanting, it is to be found in the existence of "Cattellism" in the naval service, wherein hundreds of thousands of dollars have been paid to "procurers" for their services and influence in securing and obtaining contracts with the bureaus of the Navy Department.

There remains but one other question suggested by the defense to these alleged violations of the law, and that is, whether any punishment is enacted and provided by the law. It is urged that it is incumbent to show a fraudulent intent in the violation of the statutes; and that, again, the separate statutes referred to as having been violated are without penalties.

Your committee submit in reply, waiving any consideration of how far the common law or the local criminal laws of the District may be applicable, that by section 5439, Revised Statutes, it is provided and enacted that "Every person who steals, or embezzles, or knowingly applies to his own use, or who unlawfully sells, conveys or disposes of any ordnance, arms, ammunition, clothing, subsistence stores, money or other property of the United States furnished or to be used for military or naval service, shall be punished as prescribed in the preceding section," which punishment is, as stated, imprisonment at hard labor for not less than one nor more than five years, or a fine not less than one nor more than ten thousand dollars.

THE PLEA OF ROBESON DISPOSED OF.

Now, it is urged that this law was only intended for the soldier or sailor, or petty violator of the law. Such is not the reading of the statute or the act from which it was codified. But again, it is here said that the "fraudulent intent" must appear or be shown. To this it is replied that such is not the reading of the law. If punishment was sought for "stealing," the felonious intent, it is admitted, must be shown; so in the case of a charge of "embezzling." And in the case of "application of public money or property to the person's own use," it is probable that a fraudulent intent would be required to be shown, yet this is doubtful under the words of the statute; but where one unlawfully sells, conveys or disposes of public money or property, the averment and proof of fraudulent intent is not required under the statute, nor is it necessary to the offense. The averment and proof of a fraudulent intent would make it one of the other offenses of the statute. They are distinct offenses, with distinct ingredients. In the case of the sale, conveyance or disposition of public money or public property, the evident meaning of the statute is that it shall be done alone by the warrant and sanction of law; otherwise it is unlawful and an offense punishable as prescribed.

WHO ARE RESPONSIBLE.

And, in further discharge of their duty, your committee now say that it is apparent from the whole proof in this investigation, that for the indebtedness of the navy existing at the time said investigation commenced, and that for the unlawful sale and disposition of large amounts of valuable property belonging to the naval service, and the unlawful disposition of large sums of the public money appropriated to the naval service, George M. Robeson, late Secretary of the Navy; W. W. W. Wood, late Chief of the Bureau of Steam Engineering; Isaiah Hanscom, late Chief of the Bureau of Construction and Repair, and Chiefs of the Bureau of Provisions and Clothing since 1872 to March, 1877, are chiefly responsible.

Therefore, in the opinion of your committee, that the law may be vindicated, and respect for its mandates maintained, it is the duty of the House to mark its condemnation of the illegal practices of these former officers of the Navy Department, and to invoke the attention of the Executive Department of the government, upon which rests the responsibility of further action in the premises, to these violations of law; and accordingly your committee submit for the favorable consideration of the House the following resolutions:

CONDEMNATION.

Resolved, That the acts and conduct of the late Secretary of the Navy, George M. Robeson, and of the late Chiefs of the Bureaus of Steam Engineering, Construction and Repair, and Provisions and Clothing, and who were such since May, 1872, and as referred to in this report, as well as all others aiding and abetting therein, in the sale and disposition of public property, in their method of making contracts and in involving the government in indebtedness over and beyond the appropriations made by Congress for the support of the navy, deserve and should receive the severest censure and condemnation.

Resolved further, That it shall be the duty of the clerk of the House of Representatives to deliver certified copies of the testimony taken before the Committees on Naval Affairs and Naval Expenditures of this House, together with the reports of said committees and the views of the minority, to the President of the United States, the Attorney-General and the Secretary of the Navy.

ANOTHER COMMITTEE CONDEMNS, ALSO.

The Committee on Expenditures of the Navy Department also presented an investigation of that department, directing its inquiries especially to the acts of Robeson during the last months of his administration. Their report fully corroborates that of the Committee on Naval Affairs. The Committee on Naval Expenditures report:

That in their investigation of the expenditures of the Navy Department they found—

Extravagance and disregard of legal restraint have been recognized at almost every step previous to the beginning of the present administration of the department.

We discovered that a major part of the indebtedness was incurred several years ago, on account of work done and material furnished—long since accepted and used by the government, and payment of which has been rendered impossible, for the reason that the funds in the treasury to the credit of the various bureaus have been recklessly squandered in what are technically known as open purchases, amounting to millions very often, without competition or advertisement, and, as your committee maintain, in disregard of economy and in gross violation of law.

Notwithstanding the plain terms of section 3709, open purchases have been the chief mode by which the Navy Department has been supplied with materials; not in obedience to exigency, but vastly in excess of its needs.

SO THE PLEA OF EMERGENCY FAILS,

and also the pretext of a threatened war with Spain, which disappeared, after a few months' duration, in December, 1875. The character of this abuse, and under whose auspices it flourished, covering a period of years, is sufficiently indicated by the testimony taken by the committee.

This violation of law, without warrant in precedent of authority, has depleted the treasury to the extent of millions of dollars, and has been the food on which pampered favorites have fattened, while it has prevented the payment of moneys due a meritorious class of creditors, to such an extent that many have been involved in bankruptcy, and all of them subject to irreparable loss.

The amount of open purchases and bureau orders within the last few years aggregates more than twenty millions of dollars; all the advantages of an open market have been ignored, fair competition avoided, and both the letter and spirit of the law disregarded.

At the date of the foregoing contracts, amounting to nearly four millions of dollars, there was to the credit of the Bureau of Construction and Repair only $18,357.94 (see Appendix, page 251); to the credit of the Bureau of Steam Engineering, $36,291.07 (see Appendix, page 245). The outstanding indebtedness at the same date amounted to more than four millions of dollars, exclusive of that incurred by the foregoing contracts.

It occurs to your committee that the simple statement above is sufficient to indicate

THE ILLEGAL CHARACTER OF THE CONTRACTS.

The honorable Secretary of the Navy, in his report, refers to Congress the question whether these contracts shall be ratified. We unhesitatingly recommend their cancellation, and we charge that their execution by the bureau officers, under the direction of the late Secretary of the Navy, was a most defiant and inexcusable abuse of power, in the very teeth of express statutes. The provisions of law applicable are found in sections 3709 and 3732, printed in full hereinbefore.

The late Secretary of the Navy, when called before the committee at the instance of the minority, attempted to excuse this violation of law, so far as the third of March contracts are concerned, for the reasons, first, that payment of said contracts was conditional, dependent upon appropriations, and that no obligation was incurred—a pretention too idle for refutation ; for if the work had been done and accepted, the government would have been bound in honor to pay for it ; second, that he had acted upon the opinion of Attorney-General Taft, pronounced in these words, to wit: "The foregoing order (found in Appendix, p. 23) having been submitted to me by the Secretary of the Navy, I state that I perceive no legal objection to it, and it seems to me judicious and expedient, as well as just." This opinion is dated March 2, 1877, the same date of the order, indicating that the late attorney-general devoted brief time in its preparation, which fact is the only excuse which your committee is able to find for such an opinion from the highest law officer of the government.

This opinion it is needless to characterize. Cabinet officers are not at liberty to violate the law, even when advised they may do so by the law officers of the government ; besides, the governing statute precludes any misunderstanding as to its meaning, for its terms are plain and specific ; nor can any exigency be urged to justify the act.

THE REPUBLICANS AFRAID OF THE REPORT.

On February 10th, 1879, Mr. Whitthorne moved in the House to suspend the Rules so as to fix the 20th of that month for the consideration of the report of the Committee of Naval Affairs. The motion was rejected by a vote of 123 to 107, the required two-thirds not voting in the affirmative. All the Democrats voted aye, and all the Republicans no. General Garfield was present and voted no.

Another attempt was made on the first day of March to fix a day for the consideration of the resolutions, and the motion was again defeated, and by almost the same vote as above. (*Record, vol.* 8, *part* 3, 3*d sess.* 45*th Cong.*, *p.* 2256.)

The Republicans thus refused to permit a vote. They knew well that the House would have condemned the management of the Navy Department by a large majority if a direct vote could have been reached.

GARFIELD CHAMPIONS GEO. F. SEWARD.

FILIBUSTERS TO PREVENT HIS IMPEACHMENT.

George F. Seward was United States Consul-General at Shanghai. In this position, from 1864 till promoted to be Minister to China, he practised a system of frauds and speculations which soon rendered him notorious everywhere. He charged enormous illegal fees for his consular services ; he assumed the jurisdiction of the vice-consuls throughout China, in order that he might increase his fees; he compounded with the Chinese authorities to shield Chinese offenders and criminals as against American complainants; and, for great fees paid him, discontinued suits instituted against such criminals and offenders. He was guilty of so many outrageous acts that the American name became odious throughout the East. His crimes became so notorious that complaints were lodged against him at the State Department.

Unfortunately, the laws regulating consular affairs do not provide that the books of United States consuls shall be subject to official inspection. This weak place in the consular laws enabled Seward to enjoy absolute immunity.

ROBBING A DEAD MAN'S ESTATE.

The following are among the illegal acts upon which articles of impeachment were founded by the "Committee on Expenditures in the State Department," at the third session of the Forty-fifth Congress:

As Judge of the Consular Court at Shanghai, in the settlement of the estate of D. R. Shedding, formerly an American citizen, he charged and exacted from Eugene McLaughlin, executor of Sheddings will and his administrator, a fee of $620 for admitting the will to probate. This was in 1864. At the time this charge was made McLaughlin's account was before him as executor for allowance, and was allowed by Seward for five per cent. on the amount of Shedding's estate, when, in fact, under the law, McLaughlin was only entitled to *one* per cent. Seward retained his $620. against the protest of T. F. Brown, who owned one-half of the Shedding estate. The probate service rendered was a part of the consul-general's regular judicial duties, and for which he was not entitled to receive one cent

Benjamin Pease, charged with and proved to be guilty of piracy and murder, was the same year discharged from custody and permitted to go at large without trial.

In 1875 Vice-Consul Bradford tried and sentenced some American sailors to sixty days imprisonment for desertion without trial or hearing. One of these men petitioned Seward for a hearing to show bad treatment on board ship. Seward refused the hearing and caused the sentence of the petitioner to be extended to ninety days at hard labor on bread and water, and the sentence was duly executed.

He permitted this Vice-Consul Bradford to sit and try causes and pronounce judgments which were executed; also a man named George Sporter to try a man for murder and sentence him, and enforced the sentence in both cases. Neither of these men had authority to sit as judges, and Seward had no authority to permit them so to sit.

HE STOLE $20,000 OF GOVERNMENT MONEY.

In 1865, he took $20,000, being moneys of the United States and known as the Seamen's Relief Fund, of which he was disbursing officer, and converted it to his own use, loaned it to a man named Andrew Anderson and to the firm of Clapp & Co., and to other persons, taking mortgages in his own name, with interest at eighteen per cent., which he pocketed as it fell due. He foreclosed the mortgage as plaintiff before himself as judge, ordered sales under the execution of the foreclosures, purchased the property sold to satisfy the judgments, and confirmed the titles to himself by order of himself, all the time sitting as judge. This was one of his neatest and most skillful operations.

Oliver B. Bradford, who was vice-consul at Shanghai and as such deputy Consul-General of the United States, Clerk of the Consular Court, and Consular Clerk of the United States, associated himself with one A. A. Hayes and others in an unlawful scheme to construct a railroad from Woosung to Shanghai. This was contrary to the wishes of the Chinese authorities, and against treaty stipulations; but Bradford bought the right of way, pretending that he was about to build a common highway. Seward was well aware of what his purpose was, and aided and abetted the scheme, thereby causing great scandal and exciting the indignation of the Emperor of China.

In 1871 Richard Phenix was United States marshal of the Consulate-General at Shanghai, and as such entitled to fees for his services, the salary and perquisites of his office. Seward converted to his own use these fees, to which Phenix was entitled, making no return to the government therefor, but rendered false and fraudulent vouchers therefor. Seward, knowing that the fees of Phenix would be very largely in excess of his lawful salary, made a bargain with Phenix by which the latter received a stipulated sum, and Seward received the surplus derived from Phenix's fees, which he pocketed. He then got vouchers from Phenix for the entire amount of the latter's fees, which he forwarded to the United States treasury and was duly credited for.

SHAVING THE UNITED STATES.

As disbursing officer of the United States, charged with receipts and disbursements on account of the Consular Court, all the money received by him was paid in Mexican dollars. Silver was at a premium over American gold and over United States currency. He uniformly paid out the same silver he received, the receipts being very largely over the payments. But when he made out his quarterly accounts of receipts and disbursements, he doctored them to make them show that the receipts had been in currency of the United States, which had depreciated below the value of United States coin; that he had been compelled to purchase American gold at a premium for his disbursements.

In 1876 Seward became Envoy Extraordinary and Minister Plenipotentiary of the United States to China. In this capacity he converted to his own use the salary of the consul-general at Shanghai for the quarter beginning January 1st and ending March 31st of that year. During this quarter O. B. Bradford was acting consul-general at Shanghai, and Seward forwarded, or caused to be forwarded a voucher to the treasury in Bradford's name for the amount which he had thus converted to his own use. This compensation did not suffice. He also received his salary as United States minister at Peking, China, for and during the same quarter, the amount of the latter being $2,637.36, and of the former $1,249.98.

FOR SELF-PROTECTION SAVES BRADFORD.

On the 27th of March, 1877, in order to conceal the facts that while he had been consul-general at Shanghai he had made false vouchers and neglected to pay over consular moneys in his hands, and been guilty of extortion and other crimes as such consul-general, Seward unlawfully removed John C. Myers from the office of consul-general at Shanghai, and appointed in his place O. B. Bradford, who was advised of every one of his misdemeanors.

After his appointment as Envoy Extraordinary and Minister Plenipotentiary to Pekin, Seward interfered in behalf of O. B. Bradford, vice consul-general at Shanghai, who had been convicted on a charge of embezzlement and was in prison. He left his post as minister at Pekin and went to Shanghai, where he unlawfully endeavored to procure Bradford's release and discharge from jail. In this he unlawfully used his position as minister to obtain the discharge of a felon, knowing him to be guilty. He succeeded in his unlawful purpose. Bradford was released through his manipulation.

Mr. Springer's committee, investigating and controlling the accounts of the State Department, found it necessary to ask some questions of Mr. George F. Seward, and that gentleman was subpœnaed to come home and bring his books with him. He came, but refused to show his books, claiming that they were his private property.

THE PART GARFIELD PLAYED.

Mr. Seward was then held to be contumacious, and was placed in custody. While so under arrest and in charge of the Sergeant-at-arms of the House, Mr. Springer, as a question of privilege, presented articles of impeachment against him, containing a long list of charges, of which those above referred to are a portion. The impeachment articles were brought forward on the 3d of March, 1879. Previous to that date, on the 22d of February, Mr. Springer, as a question of privilege, endeavored to have Seward brought before the bar of the House to show cause why he should not be dealt with for contempt. When he presented the proposed order, Gen. JAMES A. GARFIELD sprang to his feet, saying:

Mr. Garfield: Let it be understood that all points of order are reserved.

Mr. Springer offered the report of the committee, with the views of the minority, which were ordered to be printed.

After this the Republican side of the House, lead by Gen. GARFIELD, Mr. Hale and others, began to fillibuster in order to defeat every effort to bring Seward to justice. Only one week of the session was left.

On the 24th of February Mr. Springer called up the reports previously submitted with reference to his contumacy, and asked that the order directing the sergeant-at-arms to take Seward into custody and bring him to the bar of the House, as recommended by the committee, be adopted. Thereupon Mr. Hale raised the question of consideration.

Mr. Garfield: Allow me to make a parliamentary inquiry. Does the Speaker decide that if the question of consideration were not raised it would be competent for us as a preliminary proceeding to bring this person to our bar before we decide the question presented in this case? The very question now pending as between the majority and minority of the committee is, whether there is any cause for bringing this man here at all? We ought not to bring him here if there is a probability that on hearing the considerations, *pro* and *con*, to be presented by the two branches of the committee, we may decide that there is nothing requiring him to be brought here. I would therefore suggest that we ought not to be called upon to decide the question in this summary way. The reports have only come before us to-day. We did not receive the *Record* yesterday, as we usually do on Sunday; and we have only seen these reports since the session opened this morning. I hope the gentlemen on both sides of the House see the propriety of letting this question lie over till to-morrow, when gentlemen can read the majority and minority reports.

The Speaker said it was a question of privilege.

Mr. Garfield: Very well; let it lie over for the present.

The Speaker said the refusal of a witness to answer had always been considered a question of privilege, though he had recognized the right of Mr. Hale to raise the question of consideration.

VERY ANXIOUS TO KNOW.

Mr. Garfield: We certainly ought to know all there is about the case before we are called upon to act.

After more debate, by consent the matter was allowed to go over, to be called up again as soon as the Legislative Bill should be disposed of.

On the 26th of February Mr. Springer sent a preliminary order to the clerk's desk requiring George F. Seward to show cause why he refused to answer questions put to him by the Committee on Expenditures in the State Department.

Mr. Conger and other Republicans instituted dilatory propositions, which were kept up until an adjournment was reached.

On the 27th of February Mr. Springer again called up the Seward matter.

Mr. Eugene Hale at once raised the question of consideration.

Mr. Bundy, from the minority of the committee, submitted a resolution declaring that the reasons already given by Seward for refusing to answer (*i. e.*, that the consular books wanted were his private books and therefore privileged) were sufficient to excuse his failure to produce them.

After further skirmishing, Mr. Springer got a vote by yeas and nays on the question of consideration raised by Mr. Hale. The question being "Will the House proceed to the consideration of the question of privilege presented by the gentleman from Illinois (Mr. Springer)" the yeas were 132, nays 122, not voting 36. This was practically a party vote, only one Republican (Mr. Brogden, N. C.), voting with the Democrats. Gen. Garfield resorted to his usual method in such cases, and on the yea-and-nay call DODGED.

The main question was then seconded, after a struggle in which Mr. Conger was somewhat conspicuous.

Mr. Springer then took the floor and addressed the House upon the question of contumacy which had been raised by Mr. Seward's refusal to exhibit the books of the Shanghai Consulate during his incumbency of that office.

A long debate followed, upon the conclusion of which the question recurred upon the resolutions of Mr. Bundy, declaring *that Seward was excused from producing the consular books.*

On this question the yeas were 119 to nays 142, not voting 29. This was also a party vote, and **Mr. Garfield** voted **yea.**

So the Bundy minority report was disagreed to.

FILIBUSTERING TO SAVE A ROGUE.

The filibustering continued for some time.

Mr. Conger moved to adjourn.

Mr. Springer: Does the gentleman mean to filibuster on this question? The House has ordered a recess at half-past seven o'clock. The House has not adopted the resolutions reported by the committee. The vote just taken was on the minority resolutions. Does the gentleman from Michigan desire to prevent the passage of the resolution ?

Mr. Conger: I have acted advisedly.

Mr. Springer: The gentleman, then, desires to prevent their passage ?

Mr. Conger: I will answer the gentleman after we have taken a recess.

The Speaker said it was in order to take a recess.

Mr. Luthell: The whole object is to filibuster and defeat the investigations of the committee.

Mr. Springer insisted that a vote should be had on the resolution of the majority of the committee.

Mr. Conger moved to take a recess, which was lost by yeas 87, nays 130, not voting 73.

MR. GARFIELD VOTED YEA.

The question being on agreeing to the resolution of Mr. Springer, to cite Seward before the bar of the House for contumacy, the vote was taken by a division of the House, resulting in yeas 115, nays 1, the Republicans refusing to vote to prevent a quorum.

Several other dilatory motions were made, followed by votes which disclosed the want of a quorum.

Finally, Mr. Springer succeeded in having his report agreed to on a rising vote of 105 yeas to 47 nays, five votes more than a quorum.

On the 28th of February the sergeant-at-arms presented George F. Seward at the bar of the House.

He was told by the Speaker why he had been placed under arrest, and presented in response a written defense of his recusancy, the principal feature of which was a quotation from the 5th amendment to the Constitution of the United States, declaring that

*No person * * * shall be compelled in any criminal case to be a witness against himself.*

When asked by the Speaker whether he declined to produce the books he had been required to furnish,

Mr. Seward said: I stand here, Mr. Speaker, for my rights as a citizen and an officer. So long as persons who are my enemies are pursuing me before that committee, I shall hold all books and papers which I now hold.

Debate was then had, during which Mr. McMahon asked Mr. Springer if the witness had made answer under oath that they were private or public books.

THE ROGUE REFUSED TO CRIMINATE HIMSELF.

Mr. Springer: I desire to explain that matter. The answer is just this: the witness was not required to be sworn at all before the committee in the first instance; he was only asked to produce these books, and a subpœna was directed to him. I declined to ask that he be sworn; but as chairman of the committee I put the question to him whether he would produce the books. To that question he made no response except that he would answer by his counsel.

I then asked him the other question, whether he would produce the books at some convenient time, at a meeting of the committee to be held thereafter. To that question he made no other response than an answer by his counsel. Then, by order of the committee, I asked him to take a qualified oath as to where the books could be found. He declined to be sworn and sat mute. Another general oath was tendered to him, not because the committee wanted to ask him any question, but to save a point which was raised by a member of the committee, that unless he was sworn he could not be regarded as a witness. He refused to take both oaths, and the only object of this proceeding is to secure the books. That is all.

Considerable debate followed, when Mr. Springer called for the reading of his resolution, declaring the answer of Seward insufficient, and he in contempt, which was done.

On seconding the demand for the previous question on this resolution, tellers were ordered, and the House refused to second the demand, by yeas 107, nays 110.

Mr. Bundy offered a substitute for Mr. Springer's resolution, which directed that the answer of Seward and all the papers and evidence in the case be referred to the Judiciary Committee, with instructions to report at an early day what action the House ought to take. The resolution was agreed to by yeas 112 to nays 108, not voting 70. MR. GARFIELD DODGED.

On March 1st Mr. Springer raised a question of privilege to submit the report of the committee in reference to the impeachment of *George F. Seward.*

Mr. Garfield raised the point of order that the House was then executing an order under a suspension of the rules

Debate followed and the Speaker ruled that a question of privilege took precedence of any other business.

Mr. Garfield: Then I raise the question of consideration upon it. The debate continued with the usual dilatory tactics, terminating in a motion to take a recess till 9½ o'clock a. m. the next day (Sunday). This motion was agreed to by yeas 89, nays 84, not voting 117. Mr. Garfield (Christian Statesman) voted yes.

GARFIELD LABORED TO DEFEAT IMPEACHMENT.

On March 3d Mr. Springer resumed the floor on the privileged question for presenting articles of impeachment against *George F. Seward.* The articles were read, as also were the views of the minority, opposing any further action by the House in the premises beyond a reference of the matter to the Judiciary Committee. Mr. Springer moved the previous question on the original resolution of impeachment, and also on the amendment offered by the minority; which was agreed to and the main question ordered. It was the last legislative day. The filibustering to save Seward was likely to succeed. Mr. Springer now held the floor, but Mr. Butler (Mass.) of the Judiciary Committee claimed the right to make a report from that Committee concerning the resolution of contempt which had been referred to them, with instructions to report at an early day. Mr. Butler claimed that this was as much a privileged question as the impeachment matter. It was a cognate subject.

A good deal of debate followed in which, in order to further delay and embarrass the proceedings Mr. Garfield said:

> Permit me to say a single word. I desire to call the attention of this House to the fact that here is a proceeding begun in the first place by bringing a party before the house for contempt. He is under arrest: he is under our custody, legally and technically. Our hand is upon him; he is by us restrained of his liberty. Now, while that restraint is still upon him, while he is still not at liberty, a proposition is made here to impeach him. Now, we on this side say that the two propositions relating to this party are, first, the question of personal liberty; and, second, the judicial proceeding against him. The personal liberty feature is the higher privilege and ought to be heard first. A man ought to be free when we proceed to impeach him. To put him in jail is law; to strike him while he is in jail, is to say that we will follow the law of Rhadamanthus, to punish and then hear. That is not American law, and is not American liberty. The question of his liberty ought to be heard first.

This was mere buncomb. It had just been announced that Seward was discharged from arrest.

The Speaker decided that the Springer resolutions of impeachment were of higher privilege than the proposed report of Mr. Butler.

Mr. Banks appealed from the decision.

Mr. Springer moved to lay the appeal on the table.

Mr. Banks demanded the yeas and nays, which were ordered.

THEY TOOK THE RESPONSIBILITY.

After further debate and dilatory proceedings, Mr. Springer said:

> If gentlemen on the other side wish to filibuster until the hour of adjournment to-morrow, for the purpose of preventing one of their own party friends for being impeached for high crimes and misdemeanors, they can do so, but they must take the responsibility for it before the country.

The filibustering continued, and finally took the shape of a motion by Mr. Conger for a recess of 30 minutes, which was not agreed to. Yeas 17, nays 221, not voting 52.

Gen. Garfield dodged this vote.

The House then voted on Mr. Bundy's substitute, referring the whole matter to the Judiciary Committee, and it was rejected by yeas 99, nays 120, not voting 71.

Gen. Garfield voted yea.

More dilatory proceedings followed, and Mr. Conger demanded a separate vote on the impeachment resolutions.

Gen. Garfield insisted on voting on the 17 articles of impeachment separately, and then upon the resolutions of impeachment separately.

The Speaker ruled that the usual proceeding of the House in similar cases must be followed; that is, to vote on the resolutions first and the several charges afterward.

On the adoption of the resolutions the Republicans left the House without a quorum, the vote standing: yeas 109, nays 16, not voting 165. On this vote Gen. Garfield went with the solid republican side and dodged.

A call of the House was ordered, and then withdrawn. Another vote was then taken on agreeing to the resolutions, which disclosed another lack of a quorum, the vote standing yeas 106, nays 2, not voting 182. GEN. GARFIELD again DODGED. There was more filibustering and sharp talk.

Finally, a compromise was effected by which the main question was reconsidered, and the subject was postponed untill 11 o'clock a. m.

This was the final disposition of the case. It was impossible to secure action on the impeachment resolutions, because the Republicans would always leave the House without a quorum. Mr. Springer, knowing that there were important measures on the Speaker's table necessary to be acted on, regular appropriation bills, conference reports, and other important bills which it was imperatively necessary to pass, did not desire to consume in a fruitless struggle the three remaining hours of the session. He had discharged his full duty in the premises. He yielded to the inevitable, and the Republican party, with JAMES A. GARFIELD as one of its chief managers, took the responsibility before the country of saving from impeachment an officer of the government, tainted with every kind of official malpractice, guilty of numerous misdemeanors. To-day GEORGE F. Seward is the representative of the United States to the Empire of China. The failure to impeach him gave a fraudulent administration the opportunity it had longed for. Seward went back to China, without even a film of whitewash to cover his multitudinous official misdeeds.

THE ELECTORAL COMMISSION.

GARFIELD'S DOUBLE COURSE.

General Garfield as a member of the House of Representatives in discussing the Electoral Commission bill, and afterwards as a member of the Electoral Commission, was inconsistent. It would be unnatural for him to be otherwise. He believed that the bill as it was reported from the "Joint Select Committee of the two Houses on Counting the Electoral Votes," and as it passed and became a law, gave Congress and the Commission the right and the power to go behind the returns. He feared the Commission would exercise this power. He knew if it did, Mr. Tilden must be declared to have been elected President of the United States, for Mr. Garfield, as one of the visiting statesmen to Louisiana, fully understood that Mr. Tilden had carried the electoral vote of that State. Therefore he opposed the bill in the House of Representatives. In speaking of the power this bill conferred, he said:

HE DECLARED IN THE HOUSE THAT THE LAW EMPOWERED THE COMMISSION TO GO BEHIND THE RETURNS.

> This bill creates and places in the control of Congress the enginery by which Presidents can be made and unmade at the caprice of the Senate and the House. It grasps all the power, and holds states and electors as toys in its hands. *It assumes the right of Congress to go down into the Colleges and inquire into all the acts and facts connected with their work. It assumes the right of Congress to go down into the states to review the act of every officer, to open every ballot box, and to pass judgment upon every ballot cast by seven millions of Americans.*" * * * *
>
> But double returns from a state are to be sent to a mixed commission, consisting of an equal number of members from each House of Congress and the Supreme Court. *That commission is virtually clothed with power to hear and determine the vote of any state, and its decision is the law, final and conclusive,* unless both Houses shall concur in reversing the decree. * * * *
>
> They may 'take into view such petitions, depositions, and other papers, if any, as shall by the Constitution be competent and pertinent in such consideration.' They may also send for persons and papers, because they have all the powers possessed by the two Houses or either of them, and this House certainly has shown its power to send for persons and papers beyond any other of its great powers.

The first test vote on the Electoral Commission came upon the question whether it would receive evidence in the Florida case. By a vote of 8 to 7 the Commission—

> Ordered, That no evidence will be received or considered which was not submitted to the Convention of the two Houses by the President of the Senate except such as relates to the eligibility of F. C. Humphreys, one of the Electors.

The only thing the President of the Senate submitted to the Convention of the two Houses was the certificates of Electoral votes.

HE WENT BACK ON HIMSELF AS A MEMBER OF THE COMMISSION.

In his opinion as a member of the Commission, on this question of receiving evidence, General Garfield says—

> Though I opposed the bill in the House and regarded it, as I still do, in conflict with the constitutional plan of counting the electoral vote, my opinion was overruled by the two Houses: and shall do all in my power to carry out *the provisions of the act in its spirit and letter.* And this being one to correct the act itself to ascertain our powers and duties under it.
>
> This law is based on the assumption that it is the right and the duty of the two Houses of Congress meeting together, to count the votes for President and Vice-President.

It prescribes the order of proceeding to perform that duty. When the certificates of any state are opened, if no objection be made, the votes of that state shall at once be counted. If objection be made, two modes of procedure are provided, one for a single return, and another for a double return. The two Houses pass upon objections to a single return; this Commission is required to act in cases of double returns. In either case the action is to be according to the Constitution and the law. In each the object to be reached is to count the lawful votes of the state. The provisions of the act which regulates the conduct of the two Houses in cases of single returns will throw light upon the duty of the Commission in cases of double returns. The first section of the act provides that in cases where there is but one return from a state, and an objection is made to the count, the two Houses shall separate and each shall act upon such objection. The fourth section provides that—

When the two Houses separate to decide upon an objection that may have been made to the counting of any electorial vote, or votes, from any state, or upon an objection to a report of the commissioners, or other questions arising under this act, each Senator or Representative may speak to such objection or question ten minutes, and not oftener than once; but after such debate shall have lasted two hours it shall be the duty of each House to put the main question without further debate.

A PUERILE ARGUMENT.

Can it be claimed that this provision implies the hearing of testimony and the trial of a contest? The whole time allowed to the two Houses to decide the gravest objections that may be raised to the counting of the vote of any state or of any elector is but two hours; and that brief period is devoted, not to the hearing of evidences, but to debate. There is no provision in the section for taking testimony or trying disputed questions of fact. The reasonable construction of the section is that the two Houses decide any question of law or any matter of informality which may appear on the face of the certificate, opened by the president of the Senate. It has been said by an honorable member of the Commission that, in deciding upon an objection to a single return, the two Houses may exercise their acknowledged power of inquiry by sending for persons and papers, and may use testimony already taken by their committee; but it must be remembered that the contents of the certificates on which the objection is based, can be known by neither House nor by any member of either House until it is opened in their presence; for the objection provided for in the act is "to any vote or paper from a state." Certainly it will not be claimed that any testimony taken, before the contents of the sealed package are made known, can be lawful and valid testimony to sustain an objection made afterward, Such testimony might be *ex parte*, misleading and false; and yet in the two hours allowed by the bill it might be wholly impossible to procure evidence to overcome it.

As a member of the House General Garfield declared upon his honor that the law which created the Commission conferred the power to "go down into the states and review the act of every officer to open every ballot box, and to pass judgment upon every ballot cast by seven millions of Americans." * * * "That the commission is virtually clothed with power to hear and determine the vote of any state." * * * "They may also send for persons and papers, because they have all the powers possessed by the two Houses or either of them." Comment on such inconsistency certainly is unnecessary. The order made in the Florida case was repeated in the Louisiana case by the same 8 to 7 vote, General Garfield of course voting with and making up the eighth.

GARFIELD CALLED TO ACCOUNT.

Mr. Hewitt, of New York, said: "Although I am physically in no condition to address the House, I feel nevertheless that I have a duty, a painful duty to perform which can no longer be deferred. The decision rendered this day is the

COMPLETION OF THE FRAUDULENT SCHEME

for counting in a President who was not elected, and for counting out a President who was elected by the votes of the people of this country. The consummation of this scheme was a foregone conclusion from the hour when the decision in the Florida case was rendered. It is not to be disguised that there is in this country a deep-seated feeling of injury, a keen sense of wrong. It comes up from the heart of the people, from every class; from the lawyer, the doctor, the clergyman, as well as from the farmer, the mechanic, and the laborer. I have been overwhelmed by letters from every part of the country appealing to me to do something that would make this outrage a nullity. These people feel, not that they have lost the fruits of victory; that is not what stirs their indignation—they feel that they were willing to confide their case to a just tribunal; that they did confide their case to a tribunal whose judgment is not a just one; that they and the members of this House who voted for that tribunal, and the members of the committee who framed the bill creating it, have been deceived. They ask me where the responsibility lies. They ask me whether this feeling is well founded; I am compelled to say that it is. It is my purpose in the few minutes that I now have to try to fix that responsibility." * * * *

THE RESPONSIBILITY FIXED.

"Now as to the three judges. I propose to say only this: they took no part in the formation of this measure; they made no request to sit upon this tribunal; they were put there, so far as we know, without their consent, and probably against their will. Their action, therefore, is to be judged not by us, but by a higher tribunal, to whom they must render their account at the last. In regard to the other members of that tribunal, they are to be judged by the record which they have made in committee and in the discussions of the two Houses. Of Judge Edmunds I desire to bear witness that at no time to my knowledge did he express an opinion as to the power of this Commission to go behind the returns. It might possibly have been inferred from his actions on previous occasions that he entertained the view that the two Houses of Congress could go behind the returns; but neither in his speech on the bill nor elsewhere do I know that he ever expressed that view. Mr. Frelinghuysen undoubtedly expressed the opinion that there was no such power.

MR. GARFIELD'S POSITION.

"Mr. Garfield in the discussion in this House unquestionably expressed the opinion that there was such power. Mr. Morton, in the discussion in the Senate, undoubtedly expressed the opinion that it was the bounden duty of the tribunal to go behind the returns. In replying to the Senator from Ohio (Mr. Thurman) he stated in unmistakable language that the Senator from Ohio had declared that it was the judgment of every Democratic member of the House and of the Senate that there was power to go behind the returns, and without this power the bill could not have received a single Democratic vote in either House; and it was the judgment of every Democrat who sat upon the committee that there was such power. (*Record Forty-fourth Congress,* second session, vol. 5, part 3, page 1914.)

GARFIELD THE CHIEF OF THE CONSPIRATORS.

HE WAS COUNSEL, CONGRESSMAN AND JUDGE.

Garfield's nomination means the indorsement and approval in the most positive and offensive manner possible of the presidential fraud of 1876–77. *He had more to do with it than any other man, and was the only man who occupied toward it a double relation. After the election Garfield went to New Orleans by request of Gen. Grant, without authority of law, as a partisan. He went there to assist his party in making up a case, and after his return to Washington, of all his associates he was the only man who took his seat upon the Electoral Commission. By every sentiment of fair play he should have been excluded from the jury box. By his own sworn statement of what he did in New Orleans, Garfield had charge of the returns from West Feliciana parish. In one of the inner rooms of Packard's Custom House he did his work, examined the affidavits, and when they were not sufficiently full, he prepared or had prepared additional interrogatories to bring them within the rules adopted by the returning board. The testimony, so received by Garfield, went back to the returning board, and the result was that West Feliciana with its Democratic majority was thrown out. In Washington, Garfield's vote was that Congress could not go behind the returns thus made. As agent for his party he helped to make returns by manipulating the evidence; and as juryman for the nation he held such evidence as conclusive and binding.*

THREE MONSTROUS GRIEVANCES.

I. TROOPS AT THE POLLS. II. PARTISAN JURY LAWS. III. PARTISAN ELECTION LAWS—GEN. GARFIELD'S DEVIOUS COURSE—HIS INCONSISTENT RECORD.

A majority of the people of the United States, represented by the Democratic majority in Congress, complained of, and demanded the redress of three monstrous grievances:

First. The power conferred, by section 2002 Revised Statutes, upon, and exercised by, the Executive Department of the government, to use the military and naval forces of the United States "to keep the peace at the polls."

Second. The power conferred, by sections 820 and 821, Revised Statutes, upon, and exercised by, the Judicial Department of the government, to pack juries, and thereby interfere with and pervert the administration of justice.

Third. The power conferred by sections 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2031 and 5522 Revised Statutes, upon, and exercised by Federal officers, appointed by irresponsible partisans, to interfere with state elections, and to intimidate, persecute and control duly qualified electors of the state.

The Democratic majority in Congress proposed to redress these grievances by amending the sections of the Revised Statutes which made this possible. We print the sections with the parts to be repealed in italics.

SECTION 2002, Revised Statutes, is as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men, at the place where any general or special election is held in any state, unless it be necessary to repel the armed enemies of the United States, *or to keep the peace at the polls.*

JURY LAWS TO BE REPEALED.

SECTIONS 820 and 821, Revised Statutes, are as follows:

SEC. 820. *The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section eight hundred and twelve, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.*

SEC. 821. *At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely:* "*You do solemnly swear (or* *affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined. or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.*

SECTIONS OF FEDERAL ELECTION LAWS TO BE AMENDED.

SECTIONS 2016 to 2028 and 2031 and 5522, Revised Statutes, are as follows:

SEC. 2016. *The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a representative or delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.*

SEC. 2017. The supervisors of election are authorized *and required* to attend at all times and places for holding elections of representatives or delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-list, and tallies or check-books, whether the same are required by any law of the United States, or any state, territorial, or municipal law, are kept.

SEC. 2018. *To the end that each candidate for the office of representative or delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any state, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.*

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, *for the purpose of engaging in the work of canvassing the ballots*, as will enable them to fully perform the duties *in respect to such canvass* provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns and statements has been wholly completed.

SEC. 2020. *When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a representative or delegate in*

Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the Circuit Court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such representative or delegate was voted for, he shall file with the clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

Sec. 2021. *Whenever an election at which representatives or delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any lists of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.*

Sec. 2022. *The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.*

Sec. 2023. *Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or Court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or Court shall proceed in respect thereto as authorized by law in case of crimes against the United States.*

Sec. 2024. *The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.*

Sec. 2025. *The Circuit Courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the Circuit Court Commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as capable and faithful, discharge the duties in this title imposed.*

Sec. 2026. *The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the application of all parties for appointment to such positions; upon the opening, as contemplated in section two thousand and twelve, of the Circuit Court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the Court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be* *verified by proper inquiry and examination at the repective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports and records of every kind and nature contemplated and made requisite by the provisions hereof, save where otherwise herein specially directed.*

Sec. 2027. *All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of representatives or delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.*

Sec. 2028. No person shall be appointed a supervisor of election *or a deputy marshal*, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the *city*, *town*, *county*, *parish*, election district, or voting precinct in which his duties are to be performed.

Sec. 2031. *There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as Circuit Court Commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum.* And there shall be allowed and paid to each supervisor of election, *and each special deputy marshal who is appointed and performs his duty under the preceding provisions*, compensation at the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. *And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.*

Sec. 5522. *Every person, whether with or without any authority, power or process, or pretended authority, power, or process, of any state, territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the cost of the prosecution.*

THE HISTORY OF TROOPS AT THE POLLS.

The history of section 2002 is as follows: During the war and after the war in the early reconstruction period the military interfered in the border states with elections. This was particularly the case in Delaware, Maryland, West Virginia and Kentucky. Subordinate army officers took possession of the polls and arbitrarily supervised elections and in their discretion directing ballots to be received or rejected. These occurrences took place in states where the reconstruction acts were not in force and where the civil authority was unobstructed by disloyal persons and where it ought to have been superior to the military power. These illegal and high-handed acts excited the just indignation of all classes, and when reported to Congress were defended by no one. To stop their recurrence

Senator Powell of Kentucky introduced at the first session of the Thirty-eighth Congress a bill to prevent military interference in elections in the states. He desired to have it go to the Judiciary Committee, but the Republican majority sent it to the Military Committee. This was in 1864, when the war fever was still at a white heat. It was claimed that the rebellion was not yet at an end, that a spirit of defiance still existed even in the border states of the South toward the federal authority, and that it would be unwise to lift entirely the heavy hand of military restraint. The Military Committee of the Senate reported adversely upon Senator Powell's bill, and, after much discussion, it was informally laid aside. On June 22, 1864, Senator Powell again called it up, and after amendment, it was passed. The essential portion of the bill, as Senator Powell proposed it, was as follows :

"That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military or naval service of the United States, to order, bring, keep or have under his authority or control any troops or armed men within one mile of the place where any general or special election is held in any state of the United States of America, unless it should be necessary to repel the armed enemies of the United States."

Senator Pomeroy, of Kansas, successfully moved to amend the clause by adding "or to keep the peace at the polls," whereupon Mr. Powell said : "I object to that. It would destroy the effect of the bill. The state authorities can keep peace at the polls." And Senator Saulsbury, of Delaware, said : "That is the very pretext on which these outrages were committed in my state, and it is the very same pretext that will be put forward again."

Senator Pomeroy claimed that the troops had been used in the territory of Kansas ostensibly to preserve the peace at the polls, and he thought the Democrats should be chary of legislating now altogether to prohibit the use of troops really to preserve peace at the polls.

Senator Howard, of Michigan, of the Committee on Military Affairs, explained that the adverse report from his committee was upon the ground that it is not the right of an enemy of the country to vote or exercise any political functions, whether that enemy be a rebel, a traitor in arms against the country, and hence a domestic enemy, or whether he be a public enemy, owing allegiance to a foreign government. This, he said, was the doctrine of his report. "But," he continued, "in respect to all persons who are friends of the government, but who may happen to differ upon questions of administration, the report does declare, very properly, certainly, that there should be no interference, either of the military or other persons, in the free enjoyment of that valuable privilege."

There had been interference on the part of the military in elections in the border states of Delaware, Maryland and Kentucky, states that were not in rebellion, states where a decided majority of the people were Union in faith and practice. It was to forbid the employment of the federal troops for such purposes in those states that this law was proposed, and upon which this discussion, as epitomized above, was had in the Senate on the 22d day of June, 1864, twelve days before the victory was won by the Union troops over the rebels at Gettysburg. While this very discussion was going on in the Senate, Lee's army was across the Potomac, and his cavalry was raiding into Pennsylvania. But even at this critical period, Republican Senators like John P. Hale and Henry Wilson, voted against Pomeroy's amendment "to keep peace at the polls." This amendment, however, was adopted, and the Democrats satisfied that they had obtained all that they could hope for—the concession of the principle which Howard's report made, that the presence of troops at the polls was not to be justified save to exclude the public or domestic enemies of the United States from the right of suffrage—were content to accept a substantial gain, the positive inhibition of the presence of troops within a mile of the polls, save to quell actual riot. The bill passed the Senate as amended by Pomeroy, by a vote of nineteen to thirteen—Hale, Lane of Kansas, Pomeroy, Trumbull, Ben Wade, Grimes, Willey, stalwart Republicans of that day, voting in the affirmative. There was a subsequent attempt to reconsider the bill in the Senate, but it failed ; and at the next session of the Thirty-eighth Congress it passed the House, and was approved by President Lincoln on February 25, 1865.

The intent and purpose of this law was to restrict the power of the military and forbid their interference at the polls. The concession which the radical leaders made, the relief which the people of the border states thereby obtained was so great the Democrats in the Senate and House were willing, temporarily, to yield the proviso "or to keep the peace at the polls." They, however, did not concede this as a constitutional right of the executive power, they said then that it was a dangerous innovation, but they never dreamed that these eight words "or to keep the peace at the polls" would afford an opportunity to an administration to use almost the entire military establishment for partisan election purposes in the Southern states, as was done in 1876, or to make preparations to use the army and navy in the city of New York as was done in 1870.

HISTORY OF THE JURY LAWS.

Sections 820 and 821 are a part of the war legislation and of the reconstruction measures. They were a part of the extraordinary machinery provided for the enforcement of the Fourteenth Amendment. They were so manifestly unjust, unnecessary and so liable to be improperly used for partisan or arbitrary purposes, that a Republican Congress in 18— repealed them. They were re-enacted and became sections 820 and 821 of the Revised Statutes by a trick or a mistake, which no one has ever been able to discover. The Revised Statutes being, as it was supposed, a compilation of the Statutes then in force and unrepealed was enacted as one huge law in 1874. They were the work of two or three commissions, and were accepted by Congress upon the indorcement of the Committee on Revision of Laws—that they contained nothing, not a line or a letter which was not then the law of the land. In the Senate this huge compilation was passed without being read, without even removing the wrapper in which it came from the printing office. It is well known that there were the most serious errors, willful or otherwise, and that great interests were imperiled thereby. Many of these additions and omissions very possibly were accidental. Two distinguished Republican lawyers were employed and paid $10,000 each to revise the revision. . The law directed that the revised revision should be *verbatim et literatim et punctuatum* the language of the Statutes at Large, which were unrepealed, but with the modifications necessary to conform them to, amendatory acts subsequently passed. These two eminent lawyers employed two incompetent persons, one a huckster, the other nothing in particular, neither having the slightest qualification for the important work, to make the revision of the revision. Whether by the ignorance of these incompetents, or by design, only one thing is certain—sections 820 and 821 slipped into the Revised Statutes and were re-enacted in 1874.

INTERESTING HISTORY OF FEDERAL ELECTION LAWS.

Sections 2016 to 2028 and 2031 and 5522 are part of the Federal Election Laws. Their history is interesting. They were framed under the direction of a shrewd lawyer, but John I. Davenport appears to have conceived the idea and with other persons employed by the Union League Club, of New York city, to have suggested the ingeniously oppressive and expensive features. Davenport is unscrupulous, ingenious and energetic. The laws were intended to serve the lowest partisan ends, but they were chiefly designed to put money in Davenport's pocket. They have served both purposes admirably well. Prior to 1868 Federal Election Laws were unknown.

Report No. 800, House of Reprepentatives, first session, Forty-fourth Congress, furnishes the history of the conception, formation and presentation of these laws to Congress. Mr. Samuel J. Glassey, a lawyer of New York city, who was examined by the Committee on Expenditures, in the Department of Justice, of the Forty-fourth Congress, testified :

WHERE AND HOW THE LAWS ORIGINATED.

The Union League Club, on the evening of Thursday, the 5th of November, 1868, appointed a special committee to take measures to have an investigation made into the frauds alleged to have been committed at the election held on the Tuesday of that week, two days before. That committee was composed of five or six prominent members of the club, all gentlemen well known in the community; and at the instance of that committee, I was retained one or two days afterward to act as counsel for the Union League Club to conduct that investigation. General John A. Foster, a well-known lawyer of this city was about the same time retained as my associate. He and I had a consultation together on the day after we were respectively informed that we had been selected to do that work, and arrived at an understanding between ourselves as to the manner in which it should be done, the objects to be sought, the methods to be pursued, and immediately put ourselves in communication with the committee.

All those concerned in pressing the investigation were active Republicans, and we looked for Democratic frauds, although we invited by public advertisement information as to frauds perpetrated by both parties.

By Mr. COCHRANE : Q. State what you know, without going too much in detail ?

A. Two acts of Congress, passed during the session of 1870, one in May and the other in July, were the result of a comparison of some eight or ten bills which the different members of the two different Houses had prepared and introduced on their own motion, with the bills drafted to accomplish the same object. Mr. Davenport, in this same employment, acting under the directions of the club committee, and especially of myself and General Foster, was sent to Washington, his expenses being paid and he receiving compensation for his services, to attend to the urging of these bills. In the winter of 1870 and 1871, the club resolved that some further legislation was necessary on the subject, and in December of 1870 or January of 1871 Mr. Davenport went to Washington again, and while he was there this act of February 28, 1871, was passed. The concoction of that bill I had very little to do with. Some part of it was drafted by Mr. Davenport. I very distinctly remember reading over the section relating to fees. The two previous acts of Congress, those passed in May, 1870, and July, 1870, I knew all about.

Q. What did he say to you about that section in reference to fees ?

A. That if he could get that clause in it would enable him to make $15,000 or $20,000 at the time of every general election. It is proper to say that these first two bills that were passed in 1870 were very carefully considered, not only by General Foster and myself, but by several prominent lawyers, who were members of the club, and several members of Congress and other persons of prominence.

Q. Was he not appointed supervisor in 1871 ?

A. Yes, sir ; I think so, but my business relations with him closed within a very few days after that, and I don't think that I was aware that he had actually received the appointment when I dissolved the partnership. Down to the 1st of May, 1871, there had not been opportunity or occasion for any action, officially or otherwise, on his part, in relation to elections, after the election held in the fall of 1870. He held no office that warranted any action on his part in regard to elections in any way, shape or manner. The act passed on the 28th of February, 1871, was in great part of his designing—he prepared it, and at the instance of the Union League Club he went to Washington and attended to its passage. Some time during the spring of 1871, whether before or after the 1st of May I can't now distinctly recollect, I heard that he was obtaining information from the census marshals for use at elections.

DAVENPORT'S PECUNIARY INTEREST.

The Committee on Expenditures in the Department of Justice in their report to the House say :

After taking Whitley's (who was chief of the secret service) testimony on the 23d March, 1876, the committee recalled him about the 13th of April, and he testified that he was ordered first by Attorney-General Akerman and afterwards by Attorney-General Williams to pay to Davenport the money out of this $50,000 annual appropriation ; that in 1871 he paid him $5,000 ; in 1872, during the presidential campaign, he paid him $20,000, and afterward, in the next year, $4,000, making in all $34,000. He says he did not know what Davenport was to do with the money, but he always objected to paying it to him. He testified that the attorney-general told him he had received a request from the President to pay it to Davenport, and he (Whitley) therefore obeyed orders. He said Davenport was a politician in New York, and was in no way connected with him in the secret service department.

Notwithstanding the payment of $34,000 of government money out of the Ku-klux fund to Davenport, there is not the slightest evidence in the Attorney-General's Office or any department of the government to show that he ever received a dollar of this fund for any purpose (see page 28, part 2).

Your committee is much impressed with the conviction that Mr. Davenport was not wholly unselfish in the interest he took in the passage of these laws, as we find that as soon as the laws were passed he was called upon to fill the chief offices created by them, until now he holds no less than four offices, to wit.: United States commissioner, chief supervisor of elections, clerk United States circuit court, and master in chancery.

The first of these laws which Mr. Davenport says he was instrumental in having passed is the enforcement act of May 3, 1870. This law is made to provide in section 9 for an increase in the number of United States commissioners, and in section 12 for their fees.

Mr. Davenport says (page 42), in answer to the question, "How long have you been United States commissioner?" "Some time in 1870, I think about August;" just after the passage of the law. The next law which he was instrumental in passing, as he says, is the act to amend the naturalization laws, which provides in section 5 for the appointment of supervisors of elections.

The next act which he is instrumental in passing is the law to amend an act "to enforce the right of citizens to vote," wherein it is provided, in section 13, that the court shall appoint one of these United States commissioners chief supervisor of elections. This act was approved February 28, 1871. Mr. Davenport is asked (page 42), "How long have you been chief supervisor of elections?" He answered, "Ever since the law passed, which, I think, was on February 28, 1871."

Mr. Davenport says that the aforesaid act (under which he was appointed chief supervisor) was amended by the act of June 10, 1872, chapter 415, volume 17, at his expense of $80 for telegraphing to and from Washington.

It will be remembered that June 10, 1872, was at the beginning of the presidential campaign of 1872.

This amendment, procured by Davenport, under the head of "judiciary," as he says, provides "for defraying the expenses of the courts, &c., for jurors and witnesses," &c., "and for the expenses which may be incurred in the enforcement of the act relative to the rights of the citizens to vote," of February 28, 1871 (providing for the appointment of chief supervisors), as above given, "$3,200,000; of which sum $200,000 shall be available for the present fiscal year."

Under the same head, page 350, and in the same law, is the appropriation of the sum of $50,000, to be expended under the direction of the attorney-general, for what is known as the Ku-klux fund, for the "detection and prosecution of crime," &c.

We find Davenport, one month after this, gets from Whitley as shown by his receipt, $5,000; on the 26th of September, $10,000; October 11, $5,000; in all $20,000, during the presidential campaign of 1872.

In addition to this, the testimony shows (see page 142) that, in the winter of 1871 and 1872, Davenport got from the committee of seventy between $8,000 and $10,000 "for services performed." In addition to this sum we find that Mr. Davenport rendered a bill to the government for the election of November, 1872, which is given on page 34, for $18,630.35. This bill is for expenses incurred for payments to himself, which are provided for by the law of February 28, 1871, section 14, which he was instrumental in having passed, fixing the fees of chief supervisor, and which is as follows:

In the matter of the account of John I. Davenport, as chief supervisor of elections southern district of New York, for services rendered and expenses incurred at the election held on the 5th day of November, 1872, at which representatives in Congress were chosen.

The United States to John I. Davenport, chief supervisor of elections.

For services:	
To filling 2,141 applications for appointment as United States supervisors, at ten cents each	$214 10
To administering 3,888 oaths to supervisors and deputy marshals, at ten cents each	388 80
To filling 3,888 oaths of supervisors and marshals, at ten cents each	388 80
To filling 3,505 registry and verification books, at ten cents each	350 50
To filling 951 reports of examination of houses and voters and reports of supervisors, at ten cents each	95 10
To filling 924 commissions of supervisors, at ten cents each	92 40
To filling 2,590 returns of the canvass, at ten cents each	259 00
To indexing 79,995 folios of records of my office, at fifteen cents per folio	11,999 15
	$13,787 85
For expenses:	
To bill of J. X. Browne, as annexed	4,842 50
Total services and expenses	$18,630 35

In addition to the above is Marshal Sharp's account furnished for the same election, which account was paid upon the written order of the President, under the provision of the law approved August 31, 1852.

The account amounts to $15,132.20, one item of which is $1,991.50 for carriages; another for $440 rent of rooms at Fifth Avenue Hotel for chief supervisor of elections (Davenport) as headquarters, which rooms were adjoining the rooms of the Republican State Committee at Fifth Avenue Hotel, as shown by Davenport's testimony (see page 146).

THE MARSHAL'S BILL PAID BY ORDER OF GRANT.

The bill of Marshal Sharpe for the pay of their deputy marshals was not taxed by the Circuit Court nor allowed by the First Comptroller of the Treasury Department, whereupon the President, General Grant, directed it to be paid.

The United States of America to George H. Sharpe, United States marshal for the southern district of New York, Dr.

For the payment of extraordinary expenses incurred in executing the laws of Congress entitled "An Act to enforce the right of citizens of the United States to vote in the several states of this Union, and for other purposes," approved May 31, 1870, and also the law entitled "An Act to amend the naturalization laws, and to punish crimes against the same, and for other purposes," approved July 14, 1870. at the election held for representative in Congress, November 8, 1870.

For the compensation of deputy marshals in the fourth, fifth, sixth, seventh, eighth and ninth Congressional districts or the state of New York, as per rolls of the several districts comprising the same, as follows, namely:

For the compensation of deputy marshals in the first assembly district, as per roll annexed, voucher No. 1	$4,500 00
For the compensation of deputy marshals in the second assembly district, as per roll annexed, voucher No. 2	3,510 00
For the compensation of deputy marshals in the third assembly district, as per roll annexed, voucher No. 3	2,400 00
For the compensation of deputy marshals in the fourth assembly district, as per roll annexed, voucher No. 4	2,100 00
For the compensation of deputy marshals in the fifth assembly district, as per roll annexed, voucher No. 5	4,015 00
For the compensation of deputy marshals in the sixth assembly district, as per roll annexed, voucher No. 6	1,355 00
For the compensation of deputy marshals in the seventh assembly district, as per roll annexed, voucher No. 7	1,320 00
For the compensation of deputy marshals in the eighth assembly district, as per roll annexed, voucher No. 8	3,150 00
For the compensation of deputy marshals in the ninth assembly district, as per roll annexed, voucher No. 9	3,505 00
For the compensation of deputy marshals in the tenth assembly district, as per roll annexed, voucher No 10	1,230 00
For the compensation of deputy marshals in the eleventh assembly district, as per roll annexed, voucher No. 11	1,155 00
For the compensation of deputy marshals in the twelfth Assembly district, as per roll annexed, voucher No. 12	2,570 00
For the compensation of deputy marshals in the thirteenth assembly district, as per roll annexed, voucher No. 13	2,740 00
For the compensation of deputy marshals in the fourteenth assembly district, as per roll annexed, voucher No. 14	1,765 00
For the compensation of deputy marshals in the fifteenth assembly district, as per roll annexed, voucher No. 15	1,225 00
For the compensation of deputy marshals in the sixteenth assembly district, as per roll annexed, voucher No. 16	1,635 00
For the compensation of deputy marshals in the seventeenth assembly district, as per roll annexed, voucher No. 17	1,820 00
For the compensation of deputy marshals in the eighteenth assembly district, as per roll annexed, voucher No. 18	1,690 00
For the compensation of deputy marshals in the nineteenth assembly district, as per roll annexed, voucher No. 19	510 00
For the compensation of deputy marshals in the twentieth assembly district, as per roll annexed, voucher No. 20	1,765 00
For the compensation of deputy marshals in the twenty-first assembly district, as per roll annexed, voucher No. 21	1,585 00
For the compensation of deputy marshals and special deputies at the headquarters of the United States marshal during the same election, for the safe-keeping and conveyance of prisoners, as per roll annexed, voucher No. 22	420 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names were transferred from the rolls above stated, as noted thereon, to roll No. 23 hereto annexed (see affidavit annexed to roll 23, voucher No. 23,	2,015 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names appear on pay roll and voucher No. 24, hereto annexed, the same being authorized by letter of the attorney-general, dated January, 1871, a copy of which is hereto annexed, voucher No. 24	805 00
For the special and extraordinary expenses incurred and paid by me, in and about the execution of said laws at said election, as per statement and vouchers hereto annexed, marked Exhibit A	1,962 48
For the special and extraordinary services of John Sedgwick, Esq., as special counsel for the United States marshal and deputy marshals, as per voucher annexed (withdrawn by marshal)	3,500 00
Total	53,337 00

Payment of the within account allowed under the special taxation of the Circuit Court of the United States for the southern district of New York, in which district the services were rendered, and is to be paid from the appropriation for defraying the expenses of the judiciary.

An advance of an amount sufficient to pay the same is authorized.

U. S. GRANT.

EXECUTIVE MANSION, December 21, 1870.

In addition to the above the following account was allowed and paid:

The United States to George L. Sharpe, United States marshal southern district of New York, Dr.

Moneys paid out during the election for representatives in Congress, November 8, 1870, under the acts of Congress relating to elections, severally approved May 31, 1870, and July 14, 1870.

To carriages for conveyance of prisoners to this office on arrest, and from this office to county jail, as per voucher annexed	$18 00
To bills of Western Union Telegraph Company for the erection of four special offices and connections with their city lines; and for messages sent and received, on day of election, as per voucher annexed	336 98

To bill of M. O. Sullivan, special clerk, for making and copying lists of commissions, filing up commissions, correcting lists from time to time as changes were made, rendered necessary by refusals to act, removals, and resignations, and filling out new commissions therefor, as per voucher annexed	50 00
To bill of expenses of the United States marshal, George H. Sharpe, in proceeding to Washington and back twice on business connected with the election, as per voucher annexed	52 00
To bill for badges of chief deputy marshals, as per voucher annexed	44 00
To bill for badges of deputy marshals, as per voucher annexed	1,250 00
To bill of printer, G. B. Tripp, for commissions for supervisors of election; for commissions of deputy marshals, for acts of Congress, for instructions to supervisors and deputy marshals. as per voucher annexed	363 50
Total	2,014 48
Deduct items No. 4 above—not taxed	52 00
Total amonnt of voucher	1,962 48

The total amount paid in 1872 for New York City was as follows:

Amount paid deputy marshals on district rolls	$50,500 00
Amount paid deputy marshals on supplementary rolls	7,155 00
Amount paid supervisors of elections on district rolls	23,885 00
Amount paid deputy marshals on headquarters rolls	3,925 00
Total	85,555 00
To extraordinary expenses incurred in enforcing the acts of Congress in relation to elections at the election held in the city of New York on the 5th of November, 1872	33,434 36
Total	$118,989 36

In 1876 there was expended in the same way for New York city $94,587.96. Of this Davenport received $19,383.36.

In 1878 the amount paid the chief supervisor Davenport was not reported to Congress, but there was paid to supervisors and deputy marshals for that year in New York City $57,000. In 1876 Davenport was paid $19,383.36. He was not paid a less amount in 1878.

NO NECESSITY FOR FEDERAL ELECTION LAWS.

As to the necessity for all this expenditure of money in New York City Mr. Samuel J. Glassey, who was employed by the Union League Club in 1868 to work up the frauds of 1868, a good Republican, testified as follows:

> Q. What do you say of the necessity of Federal interference in elections here in this city and the considerable expenditure of public money in that respect at the present time? A. Keeping in view the laws of the state now in force.
>
> By Mr. Cochran: Q. And which have been in force how long? A. Since 1873. I regard any action on the part of the United States as wholly unnecessary.
>
> By Mr. Meade: Q. An expenditure therefore unnecessary? A. A dead waste of public money, and also objectionable as affording an opportunity to the person who happens to hold the office of chief supervisor to distribute a great deal of patronage among the most dangerous and worthless class in the community, the lower breed of politicians.
>
> Q. Right there, won't you illustrate the practical operation of it in local politics of employing these marshals? A. In a city like this there are always hundreds of men who have hardly any regular employment, who are chronic seekers of small offices, hangers-on to the politicians of all grades and stripes. About the time of election they make a little money by doing miscellaneous work for the candidates. It is from that class of men that these supervisors and marshals, especially the marshals, are most likely to be selected. Their pay is a per diem fixed by law, and for as many days, not exceeding ten, as the marshal and chief supervisor may choose to certify.
>
> Q. Might not such a power vested in the marshal be used, in the hands of an improper man, for purposes of corruption? A. Unquestionably. The duties of a deputy marshal are purely nominal. They have no authority except to keep the peace and see that the supervisors are not interfered with in the discharge of their duties. Except under such exceptional circumstances as existed in 1870, there has not been the slightest danger of the breach of the peace; and, besides that, the municipal police, which is a regularly organized and well-disciplined force, is there for that special purpose, and under ordinary circumstances, there is no reason to doubt the fairness and efficiency of their action. If there should be a contest between the state and national authorities, ten policemen would be worth fifty marshals. In other words, I regard the marshals, selected as they are and as they must be, as purely useless.

The Democratic majority in Congress, in view of the occurrences of 1876 and in previous years, and respecting the demand made by a majority of the people of the United States, determined to repeal the obnoxious features of the laws we have quoted. We will take up these laws in the order in which we have quoted them

TROOPS AT THE POLLS.

First. Section 2002 Revised Statutes. This section, as we have shown, was intended to prevent the interference of the military at the polls. It was, nevertheless, the pretext of authority for all the lawless invasions of the rights of the people of which Grant's administration was guilty in the employment of troops to control elections.

THE TROOPS AT A NEW YORK ELECTION.

At the Congressional election of 1870, the military and naval forces of the United States were threatened to be used, and were prepared for use in the city of New York, *vide* the following:

BELKNAP'S ORDER.

[Official.]

WAR DEPARTMENT,
Washington City, Oct. 27, 1870.

Sir: In view of the apprehension that there may be possible opposition made to the United States laws in connection with the coming election in the city of New York, November 8, 1870, the President directs that you instruct Brigadier-General McDowell, commanding the Department of the East, to hold the troops in that vicinity in readiness for service during a week, if necessary, to protect and assist the civil officers of the United States in their duty of enforcing the laws. The engineer troops and all others in the harbor of New York and vicinity will, for the occasion, be at his command. You will instruct General McDowell to confer fully beforehand with the United States Marshal and the United States District Attorney, to concert with them proper measures, and to promptly respond to any call made upon him for troops by the marshal during the week of the election, ordering them in such numbers and to such points in the city as the marshal may signify.

The President hopes that the use of the United States troops for the purpose indicated will never be required, but the law must be enforced, and he therefore expects General McDowell and the officers and troops under his command, while using the utmost discretion, to take care that the purposes of the government to enforce the law is fully carried out; but in the performance of this duty they are only effectually to execute the measures indicated to them by the authorized civil officers of the United States.

I am, sir, very respectfully, your obedient servant,
WM. W. BELKNAP, Secretary of War.
CHAUNCEY McKEEVER, Assistant Adjutant-General.

General W. T. SHERMAN,
United States Army, Washington. D. C.

BY COMMAND OF BRIGADIER-GENERAL M'DOWELL.

[Special Orders, No. 229.]

HEADQUARTERS OF THE DEPARTMENT OF THE EAST,
New York City, November 5, 1870.

1. The available officers and two hundred non-commissioned officers and privates of the engineer troops at Willett's Point, New York Harbor, will come to the headquarters building in this city, on next Monday evening, November 7, so as to arrive at 10 P. M., prepared for armed service, and remain at least till Wednesday morning. They will come in a steamboat, which the quartermaster's department will send for them, and will be landed at the foot of Spring street (Pier No. 43 North river), and march thence and take the station which may be shown them by the district quartermaster. They will bring a day's cooked rations. Facilities will be afforded in the building for making hot coffee.

2. All the available officers and the men of the Eighth Infantry will be brought to the city on Monday the the 7th instant, to arrive about 10 o'clock P. M. They will come prepared for armed service, with their overcoats and blankets, to remain at least till Wednesday morning the 9th instant. The colonel, with five companies will take post in building No. 161 Avenue B, near the northeast corner of Tompkins square, and the lieutenant-colonel, with five companies, will take post in buildings Nos. 322, 324, and 326 East Forty-fifth street, between First and Second avenues.

3. The available officers and men of the companies of the First Artillery at Forts Hamilton, Wadsworth, and Wood, under Colonel Vogdes or the senior officer, will come to the city on Monday evening, the 7th instant, to arrive by about 10 P. M., prepared for armed service, and to remain at least till Wednesday morning. They will take post at building No. 294 Broadway, near the corner of Reade street, and will land at the wharf most convenient for their reaching that point. They will bring with them a day's cooked rations and their camp-kettles for making coffee. The district quartermaster will furnish drays to carry their effects from the steamboat.

4. The troops above indicated, and the Fifth Artillery from Fort Trumbull and Fort Adams, are to be brought here to aid the United States civil officers in the execution of their duty in enforcing the United States laws; and it cannot be too strongly impressed on them that the duty they have to perform is one of exceeding delicacy and of the highest importance, and that it may depend largely on their fidelity and good conduct that peace is maintained. They will be held for service at literally a moment's notice; and from the time of their arrival not a man will be allowed to leave the building on any account, or for any purpose whatever, unless under a commissioned officer.

5. Commanders of the stations above named will, immediately on their arrival, send a report of the fact to department headquarters.

By command of Brigadier-General McDowell.
ROBERT C. PERRY, Acting Assistant Adjutant-General.

THE TRIBUNE'S ACCOUNT OF THE COMING OF TROOPS.

The New York *Tribune*, Nov. 9, 1870, says:

> The troops came on Monday night (the night before the election) and disembarked silently to their several quarters. During the day perfect order reigned. The headquarters of the department, at the corner of Houston and Greene streets, presented a quiet appearance. The stairways, however, leading to the two upper stories of the building, were packed with troops. The engineer department from Willett's Point, numbering three hundred men, with companies H and I of the Fifth United States Artillery from Fort Trumbull, New London, Connecticut, all under command of Col. Kiddoe, were quartered in the halls and on the stairs. Their arms were stacked, and the men were scattered around on benches and on the floor, or stood in groups engaged in conversation. All were armed with the latest improved needle-gun, and furnished with forty rounds of ammunition, with one hundred rounds a man in reserve.
>
> At pier No. 27 North River, companies A, B, and L, of the Fifth United States Artillery, from Fort Adams, Newport, were quartered on the steamer Metis. In addition to these was Dupont's Light Battery of four guns. No one was allowed to leave the boat or to enter without a pass. The men were in the lower part of the boat and the officers were in the cabin under Col. Hunt.
>
> Companies B, C, D, H, and M, of the First United States Artillery, Col. Vogdes, from Forts Hamilton and Wadsworth, New York Harbor, were stationed in the three upper stories of No. 294 Broadway.
>
> At No. 161 Avenue B, near Tompkins square, there were stationed the first five companies of the Eighth Infantry, Colonel Bomford in command. This regiment came from David's Island, and was armed with the needle-gun. They were quartered in the hall over a lager beer saloon, and company A was kept under arms ready for marching orders. The remaining five companies of the regiment were on Forty-fifth street, between First and Second avenues, in the large room of a brewery. Guards were, as in all cases, stationed at the top and bottom of the stairs, and all who applied for entrance were taken under guard before Colonel Edie. Long rows of stacked arms extended the whole length of the hall. An ample supply of ammunition was brought to the place, amounting in the aggregate to one hundred and forty rounds for each man.

The *Tribune* goes on to say:

> In the river and harbor, the frigates Guerriere and Narragansett were at anchor at the foot of Chambers street, North River, and Wall street, East River, respectively. The port-holes were all closed, however, and every appearance of warlike preparation on board was avoided. None other than the troops regularly stationed there were on Governor's Island.

GOVERNOR HOFFMAN'S ELOQUENT PROTEST.

The Democratic governor of New York, Mr. Hoffman, at the meeting of the legislature in January following, in his message, speaking of this outrageous violation of law, said:

> Since the adjournment of the legislature, the Federal government has assumed to interfere directly, by its officers and armed forces, with elections in this state. The pretext was fear that the right of suffrage would, in some way, be denied to the class of persons upon whom it had been conferred by the fifteenth amendment to the Constitution of the United States. It was a mere pretext; for our state legislature at its last session promptly altered our election laws to conform with that amendment so soon as it was declared adopted. Moreover, this class of voters had exercised their new right freely and without the least molestation at our state election, which took place in May last.
>
> Congress, nevertheless, enacted a law for the ostensible purpose of supervising the election of Congressmen only; and the President was authorized to employ the army and navy to enforce certain of its provisions. Under color of this act, the President and other United States officials claimed the right to supervise the entire election, not only for representatives in Congress, but for state and local officers. In the city of New York, special preparations were made to enforce this claim. A large number of United States deputy marshals and supervisors were appointed, many of whom were men of well known disreputable characters, and some of whom had been convicted criminals; a class of dangerous men never before chosen by any ruling authority, in any community, as conservators of the peace. They were instructed, under advice of the Attorney-General of the United States, to submit to no interference from any quarter under state or municipal authority. Orders were issued which authorized them, in the discretion of each one of them, to arrest at the polls, citizens claiming the right to vote, as well as the inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be effected without process of law issued upon formal complaints.

Then telling what steps he had taken with the best organized regiments of New York, to guard all the rights of every citizen, he said:

> Notwithstanding all this, by the President's orders, United States troops were brought from distant posts and quartered in the city of New York, and ships of war were anchored in its harbor. It was certainly not unreasonable to expect that the first drop of citizens' blood shed in the city of New York by Federal troops in time of peace, might lead to terrible results, involving great loss of life and incalculable destruction of property.
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> * * * * * * * * * * * * *
>
> At the last moment, that is to say, the afternoon immediately before the election, the officers of the United States fortunately and wisely abandoned the extreme ground they had taken, and entered into a stipulation with the local authorities of New York City in my presence, which resulted in preventing any armed interference by troops, either of the United States or of the state.
>
> To depend for the peace and order of localities on the Federal army is not self-government; to substitute the regular soldier with his musket as a peace officer in place of the constable with his writ, is not to preserve the peace, but to establish the condition of war; to surrender elections to

the control of the President, supported by armed forces, is to surrender liberty and to abandon a republic.

TROOPS IN PENNSYLVANIA AND GOVERNOR GEARY'S PROTEST.

In the preceding year, 1869, when an election for governor and state officers alone, was to be held in the state of Pennsylvania, an armed body of marines were brought to the polls in the third precinct of the fifth ward of Philadelphia. This armed body of Federal troops took possession of the polls and kept them closed for an hour, and when they did allow the election to proceed they exercised the right to allow or disallow citizens to vote.

In commenting upon this extraordinary and outrageous interference of the Federal soldiery, Gen. John W. Geary, the Republican governor of Pennsylvania, in his next annual message to the legislature of that state, said:

> The employment of United States troops at elections, without the consent of the local and state governments, has recently received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the states which was not contemplated by the founders of the general government, and if persisted in must lead to results disastrous to peace and harmony. The practice is one so serious in its character, and so injurious in its tendencies, as to merit prompt consideration and decisive action, not only by the General Assembly, but by Congress. One of the complaints of the colonists against the British king was the oppression growing out of the assumption of this power. They said: "He has kept among, us in times of peace, standing armies without the consent of our legislatures," and what is especially pertinent to the case in point, "he has affected to render the military independent of, and superior to the civil power." The alleged authority for the use of troops at our state elections is derived from the tenth section of an Act of Congress, approved May 31, 1870, entitled, "An Act to enforce the right of citizens of the United States to vote in the several states of the Union, and for other purposes," which authorizes United States marshals to call to their assistance "such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States." But it must be a forced construction of this law that will justify the presence of armed national forces at our places of election when no necessity exists therefor, and where their presence is calculated to provoke collision. With a good President, the exercise of the power referred to might have no injurious results, but in the hands of a bad man, governed by personal ambition, it might prove exceedingly calamitous. Unconsciously, a good President might be induced to employ it wrongfully; a bad one would be almost certain to use it for his own advancement. Under any circumstances, in my opinion, it is unsafe and antagonistic to the principles that should govern our Republican institutions. At the last October election United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent, or even the knowledge of the civil authorities of either the city or the state, and without any expressed desire on the part of the citizens, and, as far as can be ascertained, without existing necessity. From a conscientious conviction of its importance, I have called your attention to this subject. A neglect to have done so might have been construed as an indorsement of a measure that meets my unqualified disapproval. The civil authorities of Pennsylvania have always been, and are still, competent to protect its citizens in the exercise of their elective franchise, and the proper and only time for the United States military forces to intervene would be when the power of the commonwealth is exhausted, and their aid is lawfully required.

Brightly, in his Digest of American Election Cases, an eminent and impartial legal authority, says:

> Perhaps there is no better proof of the extent to which the principles of civil and political liberty have passed from the remembrance of the American people, than the fact recorded in the daily newspapers, without comment, that at the municipal election of the city of Charleston, held on the 2d of August, 1871, six years after the close of the civil war, a body of Federal troops was stationed at each precinct, to prevent violence. And this without shadow of authority, and without its exciting the slightest emotion in the citizens of what is claimed to be a free country.

THE USE OF TROOPS IN VIRGINIA DEFENDED BY GRANT.

The troops of the United States were sent to Petersburg, Virginia, in November, 1876, to control the elections. They performed the work of intimidating voters. Gen. Grant, in his special message to Congress, December 14, 1876, advocated and defended the right of the Executive to thus employ the military arm of the Federal government. He said:

> These inclosures will give all the information called for by the resolution, and I confidently believe will justify the action taken. It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith. If, then, they have had any effect whatever upon the ballot cast, it has been to insure protection to the citizen casting it in giving it to the candidate of his unbiased choice without fear, and thus securing the very essence of liberty. It may be the presence of twenty-four United States soldiers under the command of a captain and lieutenant, quartered in the custom-house at Petersburgh, Virginia, on the 7th of November, at a considerable distance from any polling place, without any interference on their part whatever, and without going near the polls during the election, *may have secured a different result from what would have been obtained if they had not*

been there (to maintain the peace in case of riot) *on the face of the returns*. But if such is the case, it is only proof that in this one congressional district in the state of Virginia the legal and constitutional voters have been able to return as elected the candidates of their choice.

U. S. GRANT.

Executive Mansion, December 14, 1876.

ORDER OF GENERAL SHERMAN, DATED DECEMBER 11, 1876.

To a more complete understanding of the case, I will add that on the 2d of November a gentleman came to me from the Attorney-General, representing that there was reason to apprehend a breach of the peace at Petersburgh, Virginia, and asking a detachment of troops to be sent there. You being then absent, I saw Judge Taft in person, and he advised that a company of soldiers be sent to Petersburgh, if practicable; and the next day, being in New York city, I saw General Hancock in person, and after some inquiries as to the troops available, I ordered him to send the above-designated company to Petersburgh, to remain during the election of November 7, and then return to its post.

I inclose a copy of his orders; also copies of General Orders Nos. 85 and 96, which include all the orders and instructions made to troops serving in districts where disturbances were apprehended.

I have the honor to be, your obedient servant,

W. T. SHERMAN, General.

Hon. J. D. Cameron, Secretary of War.

OW THE TROOPS WERE EMPLOYED.

How the United States troops were for years used to control elections in Louisiana, South Carolina, Florida, Georgia, Alabama, Mississippi and every other Southern state, everybody knows. In the state of Georgia a Federal army officer, acting under orders from Washington invaded her legislative halls and turned out nineteen duly elected representatives, and set up and maintained by Federal bayonets a railroad official as Speaker of the Georgia House of Representatives. In 1872 the Attorney-General of the United States sent the following telegram to the United States marshal at New Orleans:

Department of Justice, December 3, 1872.

S. B. Packard, Esq., United States Marshal, New Orleans, Louisiana.

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS, Attorney-General.

The people of Louisiana had elected a Conservative Republican Governor and Legislature. The Federal officials were determined to nullify the will of the people and install as Governor Wm. Pitt Kellogg and a Radical Legislature. To do this it was necessary to obtain an illegal order from the Judge of the United States District court. An infamous creature named Durell issued that order at his boarding house at midnight, and it will be known through all coming time as Durell's infamous midnight order. The Senate Committee on Privileges and Elections subsequently inquired into all these proceedings in connection with the election of a United States Senator. The majority of the committee in this report, which was signed by Senators Carpenter, Anthony and Alcorn, all Republicans, say of Durell's order:

> It is impossible to conceive of a more irregular, illegal and in every way inexcusable act on the part of the Judge conceding the power *of the court* to make such an order. *The Judge out of court* had no more authority to make it than had the marshal. It has not even the form of judicial process. It was not sealed, nor was it signed by the clerk, and had no more legal effect than an order issued by any private citizen.

WHAT FOLLOWED THE INFAMOUS ORDER.

Yet upon this order the United States troops ordered from Pensacola Bay, Florida, reached New Orleans just after it was issued, and acting under the orders of the marshal took possession of the State House and set up and maintained the Kellogg government. The order of Attorney-General Williams above quoted was the authority of the marshal foı this high handed and illegal act. The troops from Florida were ordered to New Orleans before, showing that there was concert between the Federal administration in Washington and the conspirators against free government in Louisiana. Judge Trumbull, of Illinois, a member of the Senate Committee on Privileges and Elections, in his report said of these proceedings :

> This dispatch, so far as the evidence shows, was not responsive to any call for troops, there had been no resistance to any process of the United States courts, nor does it appear that any was threatened. R. H. Jackson, a captain in the First Artillery, United States Army, testified that he went to New Orleans on the night of December 5 with two batteries of his regiment and eighty-six men.
>
> The same night, December 5, between nine and eleven o'clock, Judge Durell, at his private lodgings, issued his order which, for want of jurisdiction, was void, and entitled to no respect from anybody, directing the United States marshal forthwith to take possession of the State-House, to hold the same until the further order of the court, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as elected to the legislature according to the official returns. Captain Jackson testifies that he took possession of the State-House at about two o'clock in the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal and to act in obedience to his orders. He further testified that he was not stationed in the State-House to prevent riots, but to hold the building, and that if a riot had occurred in front of the building he would not have interfered. He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the State-House for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the legislature from assembling and organizing.

In South Carolina, in 1876, the troops of the United States were stationed at SIXTY-SIX different polling places and openly employed to intimidate both white and black electors. These troops were sent there without the state legislature having been convened, or attempted to be convened, as the Constitution requires to be done before the governor is authorized to ask the President for troops. They were sent also at a time when every judge in South Carolina, all Republicans except one, had certified that the state was in peace and quiet, and in ready obedience to the civil processes of the law.

THE CROWNING ACT OF INFAMY,

in all this series of infamous acts, was the bringing of and the quartering of United States troops in the city of Washington, in December, 1876, for the avowed purpose of overawing and intimidating the Democratic majority in the House of Representatives, and to enforce the right of the President of the Senate to count the electoral vote, register the fraudulent counts of the returning Boards, and complete the work of fraud and force. On December 10, 1876, Grant, in conversation with an Associated Press reporter, said : "There are SIX HUNDRED or EIGHT HUNDRED troops in Washington. If there should be any necessity for more, I will order them hither." The report of the War Department, July 10, 1876, shows there were no soldiers in Washington. The same authority, January 9, 1877, shows that there were 771 solders at the Washington Arsenal. At the same date there were 1,466 in South Carolina and 1,391 in Louisiana.

DANIEL WEBSTER ON THE USE OF TROOPS.

The employment of the military power for such purposes has been condemned by all the eminent statesmen of the republic. We will only quote from other than Democratic sources. Daniel Webster, in his Bunker Hill oration, said :

> Quite too frequent resort s made to mllitary force ; and quite too much of the substance of the people is consumed in maintaining armies, not for defence against foreign aggression, but for enforcing obedience to domestic authority. Standing armies are the oppressive instruments for governing the people in the hands of hereditary and arbitrary monarchs. A military republic, a government founded on mock elections and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical systems. If men would enjoy the blessings of republican government they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed ; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional libery, for frames of government to be prescribed by military leaders, and the the right of suffrage to be exercised at the point of the sword.—*Works of Daniel Webster*, volume 1, pages 98 and 99.

MR. EVARTS' ELOQUENT PROTEST.

The present Secretary of State, Hon. Wm. M. Evarts, speaking to the citizens of New York City, on the occasion of an indignation meeting held to condemn the illegal interference of the United States troops, commanded by General De Trobriand, acting under the order of General Grant, in January, 1875, in turning out the legally elected legislature of Louisiana at the point of the bayonet, said:

> I must confess that the news that came from Louisiana a few days ago has profoundly alarmed me. A thing has happened which has never happened in this country before, and which nobody, I trust, ever thought possible.
>
> When the legislature convened—and I repeat, it convened according to law, at the time and in the place fixed by law, called to order by the very officer designated by law—those persons were claimants for seats on the ground of the votes they had; some of them presenting claims so strong on the ground of majorities so large that even such a returning board as Louisiana had did not dare to decide against them; and when they had been seated in the legislature organized as I have described, United States soldiers with fixed bayonets decided the case against them and took them out of the legislative hall by force. When that had been done the conservative members left that hall in a body with a solemn protest. The United States soldiery kept possession of it; and then, under their protection, the Republicans organized the legislature to suit themselves.
>
> There is another thing which especially the American people hold sacred as the life element of their republican freedom. It is the right to govern and administer their local affairs independently, through the exercise of that self-goveenment which lives and has its being in the organism of the states; and, therefore, we find in the Constitution of the Republic the power of the National government to interfere in state affairs most scrupulously limited to well-defined cases and the observance of certain strictly prescribed forms; and if these limitations be arbitrarily disregarded by the national authority, and if such violation be permitted by the Congress of the United States, we shall surely have reason to say that our system of republican government is in danger.
>
> I cannot, therefore, escape from the deliberate conviction, a conviction *conscientiously* formed, that the deed done on the 4th of January, in the State-House of the state of Louisiana, by the military forces of the United States constitutes a gross and manifest violation of the Constitution and the laws of this Republic. We have an act before us indicating a spirit in our government which either ignores the Constitution and the laws or so interprets them that they cease to be the safeguard of the independence of legislation and the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.
>
> On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and in Ohio? How long before the constitutional rights of all the states and the self-government of all the people may be trampled under foot? How long before a general in the army may sit in the chair you occupy, sir, to decide contested election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the national House of Representatives, and, pointing to the Speaker's mace, say, 'take away that bauble?'"

HOW TO PRESERVE OUR LIBERTIES.

* * * * * * * * * * * * *

> And now the culminating glory to-day—I do not know whether it will be the culminating glory to-morrow; Federal soldiers, with fixed bayonets, marching into the legislative halls of a state, and invading the legislature assembled in the place, and at the time fixed by law, dragging out of the body, by force, men universally recognized as claimants for membership, and having been seated; soldiers deciding contested-election cases and organizing a legislative body; the lieutenant-general suggesting to the President to outlaw by proclamation a numerous class of people by the wholesale that he may try them by drumhead court-martial, and then the Secretary of War informing the lieutenant-general by telegraph that "all of us," the whole government, have full confidence in his judgment and wisdom. And, after all this, the whites of the South gradually driven to look upon the national government as their implacable and unscrupulous enemy, and the people of the whole country full of alarm and anxiety about the safety of republican institutions and the rights of every man in the land.
>
> He who in a place like ours fails to stop or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and the liberties of the people.

* * * * * * * * * * * * * *

> If you really think that the peace and order of society in this country can no longer be maintained through the self-government of the people under the Constitution and the impartial enforcement of constitutional laws; if you really think that this old machinery of free government can no longer be trusted with its most important functions, and that such transgressions on the part of those in power as now pass before us are right and necessary for the public welfare, then, gentlemen, admit that the government of the people, for the people, and by the people, is a miscarriage. Admit that the hundredth anniversary of this Republic must be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions; for to play at republic longer would then be a cruel mockery. But I entreat you do not delude yourselves and others with the thought that by following the fatal road upon which we are now marching you can still preserve those institutions; for I tell you, and the history of struggling mankind bears me out, where the terms of constitutional government can be violated with impunity, there the spirit of constitutional government will soon be dead.

CARL SCHURZ ON THE USE OF TROOPS.

The present Secretary of the Interior, speaking of these things in the South and elsewhere, said:

United States soldiers, with fixed bayonets, decided the case against them, and took them out of the legislative hall by force. * * * I cannot, therefore, escape from the deliberate conviction—a conviction conscientiously formed—that the deed done on the 4th of January, in the State-House of Louisiana, by the military forces of the United States, constitutes a gross and manifest violation of the Constitution and laws of this Republic. * * * If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio?

He who, in a place like ours, fails to stop, or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

JUDGE M'CREARY ON TROOPS AT THE POLLS.

Hon. George W. McCreary, late Secretary of War, and recently appointed United States Judge, in his book on Contested Elections, says:

There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters and an interference with their freedom and independence, and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate, the probability of improper influence becomes still stronger.

THE ENGLISH LAW.

Blackstone, the most eminent of English authorities in his commentaries says:

And as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited. * * * As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove at least one day before the election to the distance of two miles or more; and not to return till one day after the election is ended.

OTHER EMINENT AUTHORITIES.

Dr. Lieber, in his work on civil liberty and self-government, in speaking of elections, says:

It is especially necessary that the army be in abeyance, as it were, with reference to all subjects and movements appertaining to the question at issue. The English law requires the removal of the garrison from every place where common election for Parliament is going on. Much more necessary is the total neutrality of the army in an election of the sort of which we now treat.

Judge Cooley, in his work on Constitutional limitations, under the title of the "Freedom of Elections," on page 614 says:

And with a just sense of the danger of military interference where a trust is to be exercised, the highest as well as the most delicate in the whole machinery of the government, it has not been thought unwise to prohibit the militia being called out on election days, even though for no other purpose than for enrolling and organizing them.

The ordinary police is the peace force of the state, and its presence suggests order, individual safety, and public security; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them will be the executive power of the state for the time being wielded by their opponents.

SENATOR SEWARD ON THE USE OF MILITARY.

Mr. William H. Seward, from his place in the Senate of the United States in discussing the Kansas troubles in 1856, declared that—

The time was, and that not long ago, when a proposition to employ the standing army of the United States as a domestic police would have been universally denounced as a premature revelation of a plot, darkly contrived in the chambers of conspiracy, to subvert the liberties of the people and to overthrow the Republic itself.

* * * * * * * * * * *

Civil liberty and a standing army for the purpose of civil police have never yet stood together, and never can stand together. If I am to choose, sir, between upholding laws in any part of this Republic which cannot be maintained without a standing army, or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made and by whatever authority; for either our system of government is radically wrong, or such laws are unjust, unequal, and pernicious.

* * * * * * * * * * *

If the founders of the Constitution had been told that within seventy years from the day on which they laid its solid foundation and raised its majestic columns a standing army would have been found necessary and indispensable merely to execute municipal laws, they would have turned shuddering away from the massive despotism which they had erected.

HIGH MILITARY AUTHORITY.

Captain O'Brien, (who distinguished himself as a soldier at Buena Vista, Mexico), in his very able work on "American Military Law," in his chapter (2) on "restraints of executive," says:

> Congress may declare when and for what objects the army is to be used, and for what purposes it may not be used, and thus chart out accurately the limits of executive power. And even within these limits the action of the Executive, indirectly but absolutely, depends on the concurrence of Congress, which must appropriate funds for the purpose before even a corporal's guard can be moved.

REPUBLICAN INCONSISTENCY.

The Democrats in Congress proposed to strike out of section 2002 Revised Statutes the words, "or to keep the peace at the polls." They proposed to do this by placing the repealing clause on the Army Appropriation Bill. Thereupon the Republican leaders in Congress set up the cry that this was revolutionary to enact general legislation on appropriation bills. They all at once saw in "riders" upon appropriation bills a dreadful evil, although in the course of a few years preceding the Republican majority in Congress, had enacted general legislation upon many bills, to the extent of 387 different provisions of law. Every prominent member of the party who had ever served in a Republican Congress, from Mr. Hayes down have not only advocated, but voted for these riders on appropriation bills. Moreover, Secretary of State Evarts had declared upon a memorable occasion the control of the purse was given to the House in this republic, and to the House of Commons in England for the very purpose of enabling that branch of the legislature to compel redress of grievances. He said :

> What use is it to give the purse and the sword to the House of Commons if the King or the President by military power can determine what shall be the constitution of the House of Commons or the House of Congress ? And that is what they fought for in England. * * * And for this reason the people of the United States are justified in assuming that the supreme civil power shall dominate over the military, and that no merging of them or interference with them shall be permitted.

The very Federal Election Laws were enacted by being placed as riders on appropriation bills. Indeed the great majority of the infamous legislation of the Republican majority in Congress during the past fifteen years was enacted in the same way.

THE ISSUE SQUARELY MADE.

The Democrats began this memorable contest for the rights of the people, this struggle for human liberty at the last session of the Forty-fifth Congress. They were bitterly fought by the Republicans. The bill passed the House with the repealing clause on it. The Republican Senate would not accept it. The bill went to a conference committee which could not agree. On the final disagreeing report from this conference committee, Hon. Abram S. Hewitt said :

> The conferees, on the part of the Senate, declined to agree to the repeal of so much of the two sections of the revised Statutes as authorized troops to be present at the polls. The issue, therefore, was fairly and clearly defined. * * * This presents an issue which involves the very essence of free government. The difference between a despotic government and a free government is this, that in a despotism the military power is superior to the civil ; in a free government the civil dominates the military power. And this principle is one which we never fought for. It came to us as an inheritance from our fathers. It was so well recognized that when the Constitution was framed it was not even deemed necessary to insert an article to that effect. * * * * No English speaking man for two hundred years has questioned the principle that soldiers should never be present at the polls. And the question could never have been raised in this country, the demand could never have been made in our land, but for the unhappy calamity of a civil war. In time of civil war all political rights must be surrendered to the necessities of the conflict. And so it was here. We surrendered the right we had inherited, and which up to that hour we had exercised, that no soldier should show himself at the polls. * * * Now, for fifteen years we have been striving to recover that lost ground. We have made gigantic efforts ; sacrifices such as the world never saw, to get back to the resumption of specie payments, and yet we have done nothing for the resumption of our political rights—the rights which lie at the very foundation of this government. The time has come to recover this lost ground ; and I think it is a reproach to our patriotism that the resumption of specie payments should have preceded the resumption of the rights necessary for the preservation of free government. Can we surrender this question ? Would we be justified by the people of this country, now that the issue has been raised, in conceding the principle in time of profound peace, fifteen years after the close of the civil war, that soldiers may be ordered by the executive power to the polls on the day of election. * * * If the provision authorizing the presence of troops at the polls shall remain upon our statute books when an unscrupulous executive—and we may have such an one—shall occupy the presidential chair, with this power to control the troops at the polls, the people of this country will never elect his successor. That danger confronts us. We are asked why we press this issue now. We press it now because we have had an admon-

ition that when the Army Bill failed in the Forty-fourth Congress, the army was maintained without law for months, nearly to the time of the next election, before Congress was called together and provision could be made for its support. * * * It is for that reason that the conferees, on the part of the House, have felt themselves constrained to plant themselves firmly upon the ground that they would never yield this position; and I trust that they will be sustained by the unanimous voice of this House. The issue thus made is one which we are ready to accept before the country. Let the people decide whether they are prepared to surrender the sacred right of untrammeled suffrage, which this bill seeks to guard, and the provisions which in the Legislative Bill are designed to maintain unimpaired the trial by jury, which is the great achievement of our race. Unless the blood which courses in our veins has degenerated from the vital fluid which has made the Anglo-Saxon people great and free, I cannot doubt the result of the appeal which I now make to the country (*Record, vol.* 8, *Part* 3, 3*d sess.* 45*th Cong.*, *pp.* 2380-81).

GENERAL GARFIELD'S DEVIOUS COURSE.

The record of James A. Garfield on the question of "Troops at the Polls" is characteristic of the man. We propose briefly to trace it through all his devious course, and mark his glaring inconsistencies.

General Garfield followed Mr. Hewitt, and in reply to the speech we have quoted from above said:

Gentlemen talk as though these sections (2002–3) had been adopted to empower the army to interfere with the freedom of elections (we have shown that they were not); on the contrary, they were in precisely the opposite direction. It should be remembered that these sections were enacted in 1865 (how, we have shown); when the roar of battle was still in our ears; when our guns were still smoking; when none of the state in rebellion had been reconstructed; when none of them had been restored to their place in the circle of the Union; when all was chaos; when, from governor down to the humblest officer in any one of those states, there was no one bore, in the new order of things, any recognized authority; when even the machinery for the services of ordinary civil processes had all to be set up anew; when, by the necessity of the case, the military occupation of all that part of the country was indispensable, even in the view of the most extreme opposers of the Union. * * * *Perhaps the law is now as necessary as it was in* 1865. [How could it be in view of what he had just said?] *I am free to admit, for one, that these enactments were passed at a period so different from the present, that probably we can, without serious harm in any direction, muster them out as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go*, though I do not quite see how anybody can say that, while a state may call out its own militia to keep the peace at its own polls, and nobody calls that tyranny; nobody calls that wickedness, injustice and a menace to civil liberty; so it seems to me that a nation, when it has its own elections, which its own constitution says it may regulate as to time, place and manner of holding them, may, with great propriety, use its own military force to keep the peace at the polls. That is all there is in these sections that any gentlemen have complained of. Now, I believe that, as a matter of fact, no one will say that any citizen, during the thirteen years and more that this law has stood on our statute book, has been denied the full and free exercise of the elective franchise in consequence of the presence of armed soldiers of the United States near the polls. If there has been such a case, I will join with any man, of any party, in deprecating it, in deploring it, in doing what I can to prevent its recurrence. *But lest it should be a rock of offence and a stone of stumbling to any man in this country, I, for one, would be willing to let it go out of the law rather than even appear to sin against the liberty of the citizen.*

WHAT GENERAL GARFIELD MUST HAVE KNOWN.

The statement of General Garfield that he did not believe that one citizen had been denied full and free suffrage by the presence of troops at the polls is paralleled only by his other statement about all the states having the right to call out their militia, and have them near or at the polls. He knew better in both cases. The laws of the following states must have been familiar to him:

NEW YORK.

If any officer or other person shall call out or order any of the militia of this state to appear and exercise on any day during any election to be held by virtue of this chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of $500 for every such offense.—(*Revised Statutes of New York State*, chapter 6, title 7, section 5, page 448.)

MAINE.

If any officer of the militia parades his men or exercises any military command on a day of election of a public officer, as described in section 102 of chapter 10, and not thereby excepted, or except in time of war or public danger, he shall for each offense forfeit not less than $10, nor more than $300.—(*Revised Statutes of Maine*, chapter 4, section 65, page 104.)

PENNSYLVANIA.

No body of troops in the army of the United States, or of this commonwealth, shall be present, either armed or unarmed, at any place of election within this commonwealth during the time of such election. *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.—(*Brightley's Purdon's Digest*, 1872; Pennsylvania; section 124, page 562.)

NEW JERSEY.

No such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.—(*Nixon's Digest;* New Jersey, revision of 1871; an act to regulate elections; section 33, page 262.)

ILLINOIS.

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.—(*Revised Statutes of Illinois* 1874, *Constitution* 1870, article 7, section 3.)

MASSACHUSETTS.

No meeting for the election of national, state, district, county, city, or town officers shall be held on a day upon which the militia of the commonwealth are by law required to do military duty.—(*General Statutes of Massachusetts*, 1860, section 1, page 58.)

THE CONSTITUTION OF NEW YORK.

All elections ought to be free; and no person, by force of arms, malice, menacing, or otherwise, shall presume to disturb or hinder any citizen of this state in the free exercise of the right of suffrage.

THE CONSTITUTION OF DELAWARE.

ART. 28. To prevent any violence or force being used at the said elections no persons shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto, nor shall any battalion or company, in the pay of the continent, or of this or any other state, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening of said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said elections; *Provided, always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election.

THE CONSTITUTION OF ARKANSAS.

Elections shall be free and equal No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage.

THE CONSTITUTION OF GEORGIA.

Freedom from arrest on the day of election is guaranteed.

THE CONSTITUTION OF MICHIGAN.

No military duty exacted on election days, save in time of war, and freedom from arrest guaranteed.

THE CONSTITUTION OF PENNSYLVANIA.

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of suffrage. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

These same provisions in spirit and substance are to be found in the laws and constitutions of almost every state in the Union.

Notwithstanding Gen. Garfield's declaration that he was ready to vote for the repeal of that part of section 2002 Revised Statutes which permits "troops at the polls," he did not, and he stood with his side in support of the Senate's refusal to agree, and the Army Bill failed at the last session of the Forty-fifth Congress.

GENERAL GARFIELD GOES BACK ON HIMSELF.

There was a called session of the Forty-sixth Congress. The Army Bill was reported by Mr. Sparks, of Illinois, from the Committee of Appropriations. At the suggestion of Gen. Garfield general debate was closed upon the whole bill, except the clause in regard to troops at the polls. It was precisely the same clause that was in the Army Bill at the last session of the Forty-fifth Congress. In discussing this provision at the called session of the Forty-sixth Congress Gen. Garfield said :

"The question, Mr. Chairman, may be asked. Why make any special resistance to the clauses of legislation in this bill which a good many gentlemen on this side declared at the last session they cared but little about, and regarded as of very little practical importance, because for years there had been no actual use for any part of these laws, and they had no expectation there would be any ? It may be asked, Why make any controversy on either side ? So far as we are concerned, Mr. Chairman, I desire to say this: We recognize the other side as accomplished parliamentarians and strategists, who have adopted with skill and adroitness their plan of assault. You have placed in the front, one of the least objectionable of your measures; but your whole programme has been announced, and we reply to your whole order of battle. The logic of your position compels us to meet you as promptly on the skirmish line as afterward when our intrenchments are assailed; and, therefore, at the outset, we plant our case upon the general ground upon which we have chosen to defend it.

"*Gentlemen:* We have calmly surveyed this new field of conflict; we have tried to count the cost of the struggle, as we did that of 1861, before we took up your gage of battle. Though no human foresight could forecast the awful loss of blood and treasure, yet, in the name of liberty and union, we accepted the issue and fought it out to the end. We made the appeal to our august sovereign, to the omnipotent public opinion of America, to determine whether the Union should perish at your hands. You know the result. And now lawfully, in the exercise of our right as representatives, we take up the gage you have this day thrown down and appeal again to our common sovereign to determine whether you shall be permitted to destroy the principle of free consent in legislation under the threat of starving the government to death.

We are ready to pass these bills for the support of the government at any hour when you will offer them in the ordinary way, by the methods prescribed by the constitution. If you offer those other propositions of legislation as separate measures, we will meet you in the fraternal spirit of fair debate and will discuss their merits. Some of your measures many of us will vote for in separate bills. But you shall not coerce any independent branch of this government, even by the threat of starvation, to consent to surrender its voluntary powers until the question has been appealed to the sovereign and decided in your favor. On this ground we plant ourselves, and here we will stand to the end.

Let it be remembered that the avowed object of this new revolution is to destroy all the defenses which the nation has placed around its ballot-box to guard the fountain of its own life. You say that the United States shall not employ even its civil power to keep peace at the polls. You say that the marshals shall have no power either to arrest rioters or criminals who seek to destroy the freedom and purity of the ballot-box (*Cong. Record, vol.* 9, *part* 1, 1*st Sess.* 46*th Cong.*, *pp.* 217 *and* 218).

THE MISERABLE PRETEXT.

In concluding his speech in reply to General Garfield, Mr. McMahon said:

The pretext that it is necessary to have troops at the polls to preserve the peace, and that supervisors and deputy marshals are necessary to preserve the purity of elections, is only a bold pretense not believed by those who urge it. The great mass of the American people require constant urging to bring them to the polls. We often spend months in an active canvass to convince them of the duty of attending elections. If the people find troops stationed there under the command of the President of the opposite party—often, as we know, one of the most active though quiet workers for the success of the party—they will become indifferent or timorous, and relinquish their right. If the naturalized citizen knows that he is to be subjected to the danger of arrest by persons in authority, purposely appointed by leaders or the opposite party to diminish the number of votes against it, he will remain at home rather than take the risk of the trouble or inconvenience to which he may be put. The result will finally be that the adherents of the party in power will be the only ones to approach the polls, and power once gained will be thus perpetuated forever.

Against any authorized interference between the voter and the ballot-box, we have raised our protest. The citizen should be as free as air. The penalties against illegal voting are ample. The state laws to preserve the peace are ample. Riots will occur, and illegal voting will take place. Punish the guilty; but let the ballot-box be free, and put no obstacle in the way of the honest voter.

Because these are fundamental propositions, and concern the very existence of the government, we are making the contest that is now before us. We appeal to the people, and by their judgment are willing to abide (*Ibid.*, *p.* 123).

THE REVOLUTION GARFIELD DREADS.

In the course of the same debate Mr. Muldrow said:

The distinguished gentleman from Ohio (Mr. Garfield) recognized the importance of, and makes no argument against, the impolicy of the proposed legislation, but confines himself to holding up the specter of revolution. How can it be called revolution for the legislature of this country to insist upon the repeal of obnoxious laws before furnishing the means to execute them, is past my comprehension. I do not see how it can be called revolution for the lower house of Congress and the Senate to pass a bill repealing certain objectionable features of certain laws now upon the statute books. They have abundant precedents for doing it in the manner in which they now propose. They have the example of former Congresses, and especially former Republican Congresses.

* * * * * * * * * * *

The revolution they expect is one of converting tyranny into freedom, of having it understood that the military arm of the government shall be held in subordination to that of the civil arm; that we shall return to that condition of things which recognizes the fact that all republican governments must rest upon the consent of the governed, and this is the revolution to which the Democracy of this country is pledged, and this is the revolution that the people of this country will uphold.

The gentleman from Ohio himself voted against this bill when it originally passed, as he stated himself on the floor of the House on Saturday. I presume, then, that he has no objection, *per se*, to the repeal of the bill.

Mr. Garfield: If the gentleman will allow me, I will say that I will vote with pleasure for the repeal of the bill, and in doing so I will act consistently with my former course.

Mr. Muldrow: If the gentleman objects to the method only, he should not complain of that, for he sanctioned it himself in 1872 (*Ibid.*, *page* 146).

GARFIELD AGAIN HELD UP.

In the course of this same debate, Mr. Townshend, of Illinois, said:

It is asserted by the gentleman from Ohio that the method by which we are seeking to repeal these laws is "revolutionary." If this method be revolutionary, I want to know the fact; and I wish, further, to look beyond the present, and ascertain who are the authors of this "revolutionary" method. I have before me records showing that this is no new invention, originating with the Democratic party of the Forty-fifth or Forty-sixth Congress. I have before me records showing that this method of legislation has been practiced in the past; and I say now, in passing, that if the President vetoes these two bills because of the provisions we propose to tack on to them, it cannot be for the reason that he regards the method by which we endeavor to effect this object as "revolutionary." He will not veto them for any such reason if he is guided by his own action in the past, and by the precedents and practices of the Republican party itself in Congress.

The gentleman from Ohio had an opportunity, on the 4th day of March last, to pass his opinion upon them. And what was the position taken by him then? It is the same provision, except simply this modification with regard to the appointment of the two supervisors which are retained in this bill, but whose offices were abolished by the bill then under consideration. What was the language of the gentleman from Ohio on the 4th day of March last, when the bill was more objectionable from his standpoint than it is now? I read it from the *Record:*

"I am free to admit, for one, that these enactments were passed at a period so different from the present that probably we can, without serious harm in any direction, muster them out, as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go," etc.

On the 4th of March last, the gentleman from Ohio thought these amendments were harmless and might well be "mustered out," but on last Saturday he pictured in frightful colors the dark and damning treason that was nursed in our effort here to place a clause repealing them in this appropriation bill. (*Ibid*, pp. 169-70.)

A TEMPEST IN A TEAPOT.

Mr. Buckner also alluded to Mr. Garfield's change of front, and said:

In the face of the fact that the gentleman from Ohio (Mr. Garfield) not a month since would have consented to this amendment as to the use of the military at the polls, and would also have been willing to give his sanction to this assumed "coercion" of the Executive, how does it happen that this able leader of the minority then and now can justify himself for his extraordinary speech of last week?

How can he who, as Chairman of the Appropriations Committee for years, adopted time and again this mode of legislation, and who but yesterday was ready to consent to the passage of the identical bill now before this committee, denounce the action of the majority as "revolutionary?" With what grace can he charge that we are attempting to repeat the history of 1861 by "starving" the Union to death, instead of "shooting" it to death? Never before, Mr. Chairman, has this House witnessed such a tempest in a teapot. Never before has the country seen such an exhibition of extreme partisanship and electioneering clap-trap at the expense of consistency and common fairness, and I venture to say it will never again witness an attempt to engage in such a gigantic speculation with so small a capital, or to deduce such unjust conclusions from such false and groundless assumptions. The distinguished gentleman from Ohio will pardon me for reminding him that he has commenced the presidential campaign a year too soon, and that he ought not to attempt the impossible feat of jumping over the stile before he gets to it. (*Ibld*, p. 177.)

The vote was taken on the bill, and General Garfield voted, NO! It passed the Senate with the House amendment, went to the *de facto* President, who vetoed it. The repealing act, was then passed as an independent measure, and was again vetoed.

SENATOR THURMAN ON HAYES'S VETOES.

Senator Thurman, that able constitutional lawyer and eminent jurist, in speaking of these veto messages of Mr. Hayes, says:

There are some other things about these messages which are very peculiar. I think everybody that read the first message understood the President as saying that under existing law, troops could not be used at elections, but now, in the second message, he tells us in effect that the Constitution will be overthrown, for the post-office in Fremont, Ohio, and the post-offices in all the other cross-roads villages may be taken by a mob if he is not allowed to employ the military there on election days. It is necessary that the power to use the military at elections shall be preserved in order that he may defend the public property. Sir, was there ever so transparent a sham—I will not say contemptible. I want to speak respectfully of the Executive; but was there ever such transparent sophistry, if it can be dignified with that name, as this pretense that it is necessary there shall be in the statute book a power to use the troops to preserve the peace at elections, for that is the point, and that you shall not abolish that power for fear the President cannot defend the post-offices and custom houses with the troops if a mob should assail them? So help me Heaven, I cannot get down quite to the level of that argument.

A RIDER GARFIELD VOTED FOR.

On June 6, 1877, Mr. Clymer reported another army bill from the Committee of Appropriations. The following proviso was attached. There was an agreement that all discussion of this clause should be reserved till the bill had been completed in the Committee of the Whole. The clause was as follows:

Sec. 6. That no money appropriated in this act is appropriated, or shall be paid, for the subsistence, equipment, transportation or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any state.

ADMITS HE IS IN FAVOR OF TROOPS AT THE POLLS.

In discussing this proviso General Garfield said :

My first observation is, that this section does not profess to repeal, and does not repeal any law of the United States. There is not now, and so far as I know, there never was on our statute book, a law which authorized the use of the army "as a police force" at the polls, and even if this section were a repealing clause, there is nothing on which it can operate as a repeal. But whatever the section prohibits is in the form of a limitation for the coming year on the objects to which the appropriations here made are to be applied. It is declared that this money is not "appropriated for the subsistence, etc., of any portion of the army to be used as a police force to keep the peace at the polls." I affirm without fear of successful contradiction, that this limited and indirect prohibition does not apply to any law or to any practice known.

Mr. Hawley : Not since the Kansas troubles.

Mr. Garfield : Certainly, not since the Kansas troubles. And furthermore I do not know of a man in this House who is in favor of using the army of the United States as an ordinary police force to run elections.

* * * * * *

The proposition to use our army as a police; to send them out and station them one by one at the polls to run the elections as a police, is a fiction so absurd that I trust no man on this side of the House will give the least color to the assumption that he favors it by holding that this sixth section repeals, suspends, or modifies any existing statute.

Mr. Williams, of Wisconsin: Will my distinguished friend allow me to submit to him one question, which he will understand I put in the utmost good faith.

Mr. Garfield: Certainly.

M. Williams: It is this: Are you now in favor of using any portion of the army of the United States at any time under any circumstances, in any emergency, to keep peace at the polls?

Mr. Garfield: Not in the sense of using that army as an ordinary police force.

Mr. Williams: In any form or manner?

Mr. Carlisle: This section does not refer to the use of the army as an ordinary police force.

Mr. Garfield: I will refer, my friend.——

Mr. Williams: I do not mean as an ordinary civil police force, but in any form whatever. Is the gentleman in favor of using the army in any form whatever to keep the peace at the polls?

Mr. Garfield: I am in favor of using the army and the navy, and all the militia of the United States, to enforce the laws of the United States, any one of them and all of them, everywhere, and at all times when the civil force is inadequate, but not until then.

Mr. Williams: Including the keeping of the peace at the polls?

Mr. Garfield: If there be any law that authorizes the President to use the army as an ordinary police force for that purpose, I am in favor of enforcing it.

Thus it will be seen that Gen. Garfield, after all his equivocations, all his evasions and protestations to the contrary, was forced to admit that he was in favor of using the troops "to keep the peace at the polls." How the army had been used for that purpose we have already shown. However, he voted as did nearly all the Republicans, for the proviso above quoted—but with the declaration that it changed no law and had no legal effect whatever.

STILL MORE INCONSISTENCIES.

In the second session of the Forty-sixth Congress the fight was renewed. The Army Bill was reported by Mr. Clymer April 7th, 1880. A suggestion was made as before that the right to discuss the political features of the bill should be reserved. The following colloquy took place between Mr. Garfield and Mr. Sparks:

Mr. Garfield : Let me suggest to the gentleman, when the political rider, if it is to be offered, is reached, it can be introduced and printed, and passed over informally until we have gone through with the bill regularly. Then we can take up the proposed amendment and discuss it.

Mr. Sparks : I presume, Mr. Speaker, the rider the gentleman speaks of is a proposition in regard to which he congratulated himself last session that fewer Republicans voted against it than Democrats.

Mr. Garfield : I do not, of course, know what the gentleman's rider is.

Mr. Sparks : I remarked just now that I remember the gentleman from Ohio congratulated himself and his side of the House that fewer Republicans voted against this rider than Democrats did in the last Congress.

Mr. Garfield : We will be ready to attend to any question when it arises.

April 8th the following amendment was offered by Mr. Sparks, the Chairman of the Military Committee :

Sec. 2. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the army of the United States to be used as a police force to keep the peace at the polls at any election held within any state.

It was the same amendment that was offered in the former session, for which Mr. Garfield voted. A point of order was immediately raised against it.

Mr. Garfield, who had previously expressed his willingness to have the law repealed, did all he could to have a point of order sustained that the amendment did not come from any standing committee of the House. He tried to make it appear that Mr. Sparks was not authorized to offer the amendment. His opposition was factious and his points technical to the last degree. He consumed hours in discussing them. The point he made was that the new rules which had been adopted a few days previous took away the jurisdiction of the Military Committee. The chairman, Mr. Carlisle, of Kentucky, one of the ablest parliamentarians in the House, as well as one of the best lawyers, ruled that Gen. Garfield's point of order was not well taken. Although he had voted for the same proviso on the Army Bill at the previous session he did not vote at all this time, but DODGED. The proviso was adopted and is in the bill as it passed the Senate and was approved by the President.

THE ODIOUS AND DANGEROUS JURY LAWS.

Second. We next come to consider Sections 820 and 821 Revised Statutes. It certainly is not necessary to say anything about the importance of impartial juries. All English people regard trial by jury as the great bulwark of their liberty. It stands in the grandest of all monuments of English courage and love of liberty—Magna Charta—and Sir Edward Coke says that its insertion there was but an affirmation of the undoubted and prescriptive right of all Englishmen. It not only stands in Magna Charta but in the Act of Settlement, in our Declaration of Independence and our Constitution, as it stood in the constitution of every one of the original thirteen states, and as it stands in the constitution of every state of the Union to-day. Why is it that we attach so much importance to the right of a trial by our peers—an impartial, unbiased jury? Because in all ages of the history of English speaking people that right has been found to be the great shield of protection against oppression by the government. No people who have had and maintained unimpaired that right have ever lost their liberty. Hallam, the philosophic author of English constitutional history, says:

THE IMPORTANCE OF IMPARTIAL JURIES.

> Civil liberty in the kingdom has two direct guarantees: the open administration of justice according to known laws, truly interpreted, and fair construction of evidence; and the right of parliament, without let or hindrance or interruption, to inquire into and obtain redress of public grievances. Of these the first is by far the most indespensible; nor can the subjects of any state be reckoned to enjoy a real freedom where this condition is not found in its judicial institution and in their constant exercise. * * *
>
> I have found it impossible not to anticipate, in more places than one, some of these glaring transgressions of natural as well as positive law that rendered our courts of justice in cases of treason little better than the caverns of murderers. Whoever was arraigned at the bar was almost certain to meet a virulent prosecutor, a judge hardly distinguishable from the prosecutor except by his ermine, and a passive, pucillanimous jury. * * * There is no room for wonder at any verdict that could be returned by a jury when we consider what means the government possessed of securing it. The sheriff returned a panel either according to express directions, of which we have proofs, or to what he judged himself of the crown's intention and interest.
>
> If a verdict had gone against the prosecution in a matter of moment, the jurors must have laid their account with appearing before the star chamber; lucky if they should escape, on humble retraction, with sharp words, instead of enormous fines and indefinite imprisonment. The control of this arbitrary tribunal bound down and rendered impotent all the minor jurisdictions. That primeval institution, those inquests by twelve true men, the unadulterated voice of the people, responsible alone to God and their conscience, which should be heard in the sanctuaries of justice, as fountains springing fresh from the lap of earth, became like waters constrained in their course by art, stagnant and impure. Until this weight that hung on the Constitution should be taken off, there was literally no prospect of enjoying with security those civil privileges which it held forth.

SENATOR THURMAN ON THE JURY LAWS.

Senator Thurman, speaking of the provisions incorporated in the Legislative, Executive and Judicial Appropriation Bill repealing these objectionable election laws which so mysteriously crept back into the statute book, said:

> Now, what does the provision in this bill propose? First, that sections 820 and 821 shall be repealed outright. Ought they not to be repealed? We did repeal section 820, but it passed into the Revised Statutes without a man here knowing that it was brought back into the statute book. It was one of those mysterious transactions that occurred in making up that book, such as the striking out of the word "white" from the naturalization laws after Congress had expressly refused to

strike it out, like the demonetization of silver which Congress had not demonitized. It was one of the marvelous things of that revision of 1874 which I saw lie on that desk tied up as it came from the printing office, and passed by the Senate without the cords that bound the wrapper ever being untied or cut, read by its title alone, because there was no time to read more and because no Senator supposed it was necessary to read more, as it professed to make no change in existing law. And so this section 820 stole back into the statute law of this land.

What is it? It reads:

"SECTION 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely:

"Without duress or coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrsction or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States."

Now, sir, mark it. The suit may be between a boy ten years of age and another boy of the same age, both born long after the rebellion; it may relate to their estate with which the rebellion had nothing to do; they and their guardians who prosecute or defend for them may be perfectly satisfied with the jury; the lawyer on one side may be perfectly satisfied; but some lawyer on the other side may get up and say to a juror, "You, sir, gave a cup of cold water to a weary confederate soldier on a hot summer day, and thus you gave aid to the rebellion, and you cannot sit to try this question as to the property of these boys who were not then born." That is your statute; and that any man can stand up for one moment at this day, fourteen years after the close of the rebellion, to defend such a provision as that makes me wonder at the extent of human audacity.

HOW THEY MIGHT WORK.

But what is section 821? Section 821 is even worse than 820 in some respects. Section 820 only gives a right to one of the parties to challenge a juror. It makes aiding or comforting the rebellion a principal cause of challenge, and that principal cause of challenge can only be insisted on by one of the parties to the suit; but section 821 introduces a new figure on the scene. Suppose again these two boys with their guardians trying a suit, the title to a piece of land in the state of Ohio, and a jury is called and the boys are satisfied that the jurors are good men and true, and their friends and their lawyers are satisfied that they are good men and true, and they all, lawyers, friends and parties, want them to try the case, then, just as they are to be sworn, in steps the District Attorney of the United States, or any other person acting on behalf of the United States, and says: "May it please your Honer, there are men on that jury who gave aid and comfort to the rebellion; they gave a pair of shoes to a poor confederate famishing soldier when his feet were bleeding in the frost and the snow; they were so vile as to believe that the parable of the Good Samaritan was told for our edification and example, and they assuaged the dying agony of a poor confederate with a cup of cold water; they are men who aided the rebellion, and I demand that your honor shall direct that every man in that jury shall take the iron-clad oath or be compelled to leave the jury-box." And if the judge is a fool or a knave, or if he is under the influence of passion, or prejudice, or fear of consequences, he may make the order and enforce it. Let no man say that this is an impossible supposition. Such an order has been made and enforced since we assembled in this Chamber; not in Ohio, it is true, but in another state.

Mr. President, ought that to be the law? Ought that to be the law in a country that has the least pretense to call itself civilized, I will not say free? I say it would disgrace the kingdom of Dahomey, much more the United States of America. I do not speak now of whether there was a necessity for that law at the time it was enacted—although it may well be questioned whether it would not have been far better to have suffered the evils that might result from an occasional case of a rebel sitting on a jury than to set the example of passing such a law—but if it were justifiable then, the moment that peace was restored, the moment that we once more looked upon a united, harmonious, and a fraternal people, that law ought to have been swept from the statute book. It was due to the national character, it was due to justice, it was due to civilization that that law should cease to exist. The only wonder is that it did not cease to exist long ago. We propose now that it shall cease to exist. Pray, is it not time? Pray, is this demand for an honest, impartial jury; pray, is this demand that we go back to the old and well-trodden paths of justice and legal decision, a matter that should fire the Northern mind and set all the demagogues in the whole land north of Mason and Dixon's line to declaiming against this side of the Chamber?

THE REMEDY.

So much for the law as it exists. What is the remedy? It is not easy to provide a remedy; but one thing is certain, experience has proved that when you frame a jury system under which there may be many political questions or political trials, or danger of political bias or prejudice, it is essential that you shall provide in some way that the juries shall not consist of men of one political party *alone*. That experience proves. Is there anything strange in our taking notice of the existence of political parties? Why, sir, do we not take notice of it in one way or another, directly or indirectly, in many of the states of the Union, and in the laws of the United States themselves? Do we not provide, directly or indirectly, in divers states of the United States, that judges of election shall be of different political parties? Do we not in our own election laws provide that the supervisors of election shall be of different political parties? We are, as practical men, compelled to recognize the fact that there are in this country great political parties, as there have been in every free country that ever existed. To ignore that is to ignore as plain a fact as exists on the face of the earth, and therefore the proposition in the pending bill that the names of the jurors shall be placed in a box by the clerk of the court and by a jury commissioner, to be appointed by the judge, who shall be of the principal political party opposed to that to which the clerk belongs, and that they shall put in names alternately until the proper number is placed in the box, is not obnoxious to criticism because it recognizes the fact of the existence of political parties.

It required the struggle of nearly a whole year in Congress to get these reforms which Senator Thurman demonstrated to be so necessary in our judiciary. As long as there was a decent pretext for opposing them they were opposed. The legislative bill containing them was vetoed by the *de facto* President. It was not till the jury bill was enacted as an independent measure that it was approved. Had not the Republicans felt that they had a sufficient record to defend in upholding the monstrous claim of the right to combat elections with Federal troops, it is doubtful whether these jury reforms would have been secured.

THE FEDERAL ELECTION LAWS.

THIRD.—The consideration of the Federal Election Laws, sections 2016 to 2028, and 2031 and 5522, Revised Statutes, is our last duty. The claim of constitutional authority for these laws is based upon article 2, section 1, clause 2 of the Constitution. It is as follows :

> *Each state* shall appoint, in such manner *as the legislature thereof may direct*, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress.

The word "*manner*" in this clause of the Constitution is the foundation upon which the Republican leaders base the entire superstructure of Federal Election Laws. These laws, be it remembered, not only give the federal officials appointed under them—the chief supervisors of elections, the supervisors of elections and the deputy marshals—the power not only to control elections for representatives, but for presidential electors, and executive officers of the states and members of the state legislatures. The elections for these state officials are in almost every state held at the same time and place as the elections for members of Congress. These federal officers supervising, regulating and controlling, not only the election officers of the state, but the registration of voters which precedes the election as well, therefore exercise an unwarranted power, even admitting their constitutional right to interfere at federal elections, in deciding state elections.

SENATOR THURMAN'S UNANSWERABLE ARGUMENT.

It was upon this ground that Senator Thurman based his unanswerable argument against the Federal Election Laws. He said :

> I go to another proposition which I hold is capable of demonstration, and that is, that whether the right of Congress to regulate the manner of congressional elections when there is no default on the part of the state exists or does not exist, the law which this bill proposes to repeal is not constitutional exercise of the power, *for it is fundamental that Congress cannot under article* 1, *section* 4, *interfere in any manner with the election of state officers.* It can no more do it, under pretense of regulating congressional elections, than it can when no Congressmen are to be elected. It follows that any regulation of congressional elections enacted by Congress must be so framed as not to interfere with the election of state officers. If it do so interfere, it is unconstitutional. Upon that I stand with a consciousness of being in the right that I hope is not presumptuous, To me no legal proposition ever appeared clearer. There are two classes of elections in this country. There is an election for federal officers, Representatives and Senators in the Congress, and electors of President and Vice-President ; if the latter can properly be called Federal officers. There is another class of elections for the officers of a state and her sub-divisions. With the elections of this latter class, Congress under this clause of the Constitution has no more right to interfere than it has to interfere with the elections in France. So far as it can interfere at all, it is under the Fifteenth Amendment, and that is simply to guarantee the right of men otherwise qualified against a discrimination on account of race, color, or previous condition of servitude. But that guarantee, I have shown, has nothing to do here. Here the question is not about objections of race, color, or previous condition of servitude, but it is whether Congress under the pretense of regulating congressional elections can in effect regulate the elections of state officers too, and that in direct violation of the laws and the rights of the states.
>
> Sir, did our farthers ever think for a moment when they were placing that provision in the Constitution authorizing Congress to make regulations in respect of the times, places, and manner of electing members of the House of Representatives or Senators in Congress that they were giving Congress plenary power over the election of state officers ?

WAS THAT THEIR OPINION ?

> That it was not their opinion we may easily see by the forcible language in this same fifty-eighth number of the *Federalist*.
>
> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular states, would any man have hesitated to condemn it both as

an unwarantable transposition of power and as a premeditated engine for the destruction of the state government? The violation of principle in this case would have required no comment, and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the national government in a similar respect to the pleasure of the state governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

If our forefathers in the convention should have put a clause in the Constitution that would warrant what these laws attempt, they knew that the whole instrument would be rejected, and rejected with scorn and indignation. Sir, I ask what do these laws effect? Do they not interfere with the election of state officers? How is it that when thousands, I believe I am not going too far in saying thousands, of men who claimed the right to vote, and who so far as we know had the right to vote, at the last election in the city of New York, were arrested by Federal officers, dragged from the polls before Mr Commissioner Davenport, put in a cage, as many as the cage would hold, kept there until the election was over, and others only admitted to bail on the condition that they would promise not to vote, others again only on condition that they would surrender their naturalization papers—papers that he had no more right to take from them than he had to take their goods and chattels—when that was done, was that not interference with the election of the officers of the state? Was that simply a regulation of the matter of electing members of Congress? Was that not an interference with the election of the members of the legislature of the state who were to be chosen at that election? Was it not an interference with the election of one of the judges of the highest judicial tribunal of that state then to be chosen? Was it not an interference with the election of every state officer who was voted for at that election? Who can deny it? Nobody can. And, sir, will you tell me that Congress, under the power to regulate the manner of elections in the choice of members of Congress, can frame a law in such wise as really to authorize a deputy marshal of the United States to tear the state judges of election from their seats and confine them in prison and stop the election, and that all that is not interfering with the rights of the states to hold their election for state officers according to their own laws? Will you tell me that that is the exercise of the power to regulate the manner of electing members of Congress? No, sir, it will not stand one moment's examination. There are some things so clear that argument upon them is useless.

ANOTHER POINT WAS MADE CLEAR

by Senator Wallace. The undue authority exercised by these Federal officers, acting under the Federal Election laws, would enable them to nullify the laws of the states in regard to the qualifications of voters. Congress has no such power. Article 1, section 2, of the Constitution says the qualifications of electors for members of Congress shall be the same as the qualifications requisite for electors of the most numerous branch of the state legislature. Remarking on this, Senator Wallace said:

The electors for the House of Representatives of the United States are those who are qualified electors for the legislatures of the states. Qualified how? Qualified by whom? Qualified by the Federal government? A qualification created in an act of Congress enforced by the marshals at the point of the bayonet? No, sir; but qualified by the states. The electors for the members of the legislatures of the states are the electors for members of the House of Representatives and they are to be qualified by and under the constitutions of the states. If you have no qualifications of electors for the members of the legislatures of the states, you have under the Constitution no criterion to determine who are to be electors for members of Congress. Where are your qualified electors then? They have vanished and gone. There can be no electors for members of the lower House if there be no electors for the state legislatures. There is no measure or criterion of qualification except as it is found in the clause quoted, which provides that the electors for members of the United States House of Representatives are the electors of the state who are qualified by state constitutions and state laws to vote for members of the legislature. If there be none of these, there can be none for members of the Federal house, and it logically follows, that the existence of the state legislatures is vital to the existence of that branch of the Federal government, for in their absence you have no criterion, no qualification under the Constitution itself. Do we presume to exercise that power here? Do we assert that we can grasp that power and regulate by a Federal statute the qualifications of voters? If we do, we make a consolidated government out of a Democratic republic.

OLD FEDERAL THEORIES IN NEW FORMS.

National power over the voter as such, or national elections as such, are new forms of old federal theories. In the laws we propose to repeal, and in kindred enactments in 1870 and 1871, the revamped doctrines of the federalism of 1798 first finds statutory existence. The universal practice of the government since 1801 has been against any such theory as is found in these statutes. National electors would require national citizenship for qualification. How absurd a theory, that a man may be a citizen of the state and not of the United States and still be a national voter. Yet I propose to show that such would be the legitimate result of this teaching as to national elections. This subject is rightly and absolutely controlled by state law and state constitutions in almost every state. There are no national voters. Voters who vote for national Representatives are qualified by state constitutions and state laws, and national citizenship is not required of a voter of the state by any provision of the Federal Constitution nor in practice. Under the constitutions of Kansas, Nebraska, and Colorado an unnaturalized foreigner who has declared his intention to become a citizen may vote for members of Congress and state officers if he has resided six months in the state, and in Indiana, Minnesota, Oregon, and Wisconsin after a residence of twelve months, while in Massachusetts he must reside in the state two years after he has been naturalized. Does the new gospel as to control of elections by *national* authority contemplate making the rule of seven years' residence, required by Massachusetts, or that of six months, required by Kansas, the test of qualification as a "national" voter for a foreign-born citizen? Which is the doctrine? Is it that of Massachusetts or that of Kansas? The foreign-born citizen declaring his intention, after six months' residence in Kansas, is a voter, and may vote for a member of Congress and governor of the state, while in Massachusetts he must carry a parchment certifying that he is a citizen of the United States and must have resided two years in Massachusetts. The whole difference is the difference between seven years in one state and six months in another as applied to foreign-born citizens.

HOW THE LAWS MIGHT BE USED.

National elections, naturally, necesssarily, include national voters, and the plain purpose indicated by this action of the Executive is to make the states conform to the Federal authority as to the rule of suffrage. I ask Senators who now have in their states masses of unnaturalized citizens who are voting for members of Congress, whether they seek to disfranchize these voters or whether it is reasonable to hold that the Federal government can by its laws change the qualifications created and fixed by state constitutions? If Davenport could reject five thousand citizens in New York because of his allegation of non-naturalization, why shall the twenty-five thousand in the Western states who vote without naturalization be permitted to do so? Only because the whole subject is under state control. It is not hard to understand the meaning of the declaration of the Senator from Vermont for "the universality of equal suffrage," if it be read in the light of 1799 and the tenet of federalism. It means a universal rule of citizenship for suffrage everywhere. The states are to be made to bend their will to the control of universal equal suffrage by the Federal government, and the control claimed by Kansas, Colorado, and Nebraska over the right to prescribe the qualifications of voters is to give place to a statute enacted by the Federal government, prescribing a rule like that of Massachusetts. What more potent argument as to the fallacy of the existence of national elections can there be than the fact that qualifications for voters differ in every state, and that by universal rule the states have absolute control of the subject?

A FOREIGNER MAY VOTE IN CERTAIN STATES BEFORE HE IS A CITIZEN OF THE UNITED STATES.

The laws of the United States require a residence of five years within the country before a foreigner can be naturalized. This makes him a citizen of the United States, but he may be a voter for members of Congress, or for electors for President, or for the members of a state legislature who elect a United States Senator, after he has resided six months in the country if he lives in Kansas, Nebraska, Colorado or Georgia; or within twelve months residence in Alabama, Arkansas, Florida, Indiana, Minnesota, Missouri, Oregon, Texas, and Wisconsin.

A naturalized foreigner can vote in California after a residence of six months; Connecticut, after a residence of one year if he be able to read any article of the constitution or any section of the statutes of the state; Delaware, after one year's residence if he has paid taxes; Illinois, after one year's residence; Iowa, six months' residence; Kentucky, two years' residence; Louisiana, one year's residence; Maine, three months; Maryland, one year; Michigan, three months; Mississippi, six months' residence; Nevada, six months; New Hampshire and New Jersey, one year; North Carolina, one year; Ohio, one year; South Carolina, one year; Tennessee, one year; Vermont and Virginia, one year; and West Virginia one year in the state. The same residence is required in these twenty-one states of the native-born citizens.

In these states residence is superadded by state authority as a qualification to voting for all officers, state as well as Federal. In Massachusetts two years, in Pennsylvania thirty days, and in New York ten days are added by State authority to the qualification of five years; and in Rhode Island ownership of real estate must be in the naturalized foreigner before he is a voter.

Are all these distinctions, are all the restrictions imposed by state authority and state constitution as to residence, naturalization, qualification, registration, age, tax, and property, to be obliterated in this effort for the "universality of the security of equal suffrage" in this renewed and studied effort for a consolidated government?

In the 51st number of the *Federalist* we find the question of suffrage discussed as follows:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the states would have been improper for the same reason, and for the additional reason that it would have rendered too dependent on the state governments that branch of the Federal government which ought to be dependent on the people alone. To have reduced the different qualifications in the different states to one uniform rule would probably have been as dissatisfactory to some of the states as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every state, because it is conformable to the standard already established, or which may be established by the state itself. It will be safe to the United States, because, being fixed by the state constitutions, it is not alterable by the state governments, and it cannot be feared that the people of the states will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal constitution.

WHAT THE DEMOCRATS PROPOSED TO DO.

The Democratic majority in Congress, in attempting to repeal certain provisions of these Federal election laws, were accused, *first*, of attempting a "revolution"—of a purpose to starve the government to death unless they were allowed to accomplish their *second* purpose, which it was alleged was to remove all restraints, overturn all safeguards which had been placed about the polls to prevent fraud.

It was asserted that they were in favor of every sort and description of frauds at elections. A more senseless and wicked falsehood was never uttered. This cry of "revolution" has been the sole stock in trade of the fraudulent administration and the Republican minority in Congress since the great fraud of 1876 was consummated. When the Democratic majority in the House of Representatives proposed to inquire into the monstrous crimes by which that wicked nullification of the will of the people was accomplished, the Republican minority at once set up the howl of "revolution." It fell flat when the Democrats, having probed to the bottom the frauds of 1876–1877 and demonstrated as clear as the unclouded sky at noonday, that Rutherford B. Hayes had no shadow of title to occupy the White House, save the partisan decision—eight to seven—of an unconstitutional commission, voted that they would establish no new and possibly dangerous precedent by initiating legal proceedings to unseat him. Again when the cry was shouted at the last session of the Forty-fifth Congress that the Democrats meant to starve the government to death unless the Executive would consent to be coerced into approving their enactments, and was renewed and continued in the Forty-sixth Congress, it another time proved *brutem fulmen*, when the Democratic majority, having exhausted every legal remedy to secure the redress of substantial grievances, voted the money necessary to carry on the machinery of government.

What the Democrats proposed to do, and all they proposed to do, was to *amend* the Federal election laws so they would cease to be non-partisan ; so they would cease to be unnecessarily oppressive and arbitrary ; so they would no longer be capable, in the hands of unscrupulous and designing men of intimidating legal but timid electors ; so they would not permit the control of state elections for state officers ; so they would not legalize an unnecessary and illegal squandering of the people's money. This, and this only, was their purpose. It was charged, and the charge is iterated and reiterated that they proposed and attempted to *wipe out* the Federal election laws. It was and is a base calumny. They proposed to amend fifteen sections of these laws, which number nearly one hundred sections. From many of these fifteen sections they proposed only to strike a few lines and from others only a word or a few words. We have printed these sections which it was proposed to amend in full, with the lines and words to be stricken out in italics.

THE BASE USE TO WHICH THEY ARE PUT.

We have shown how these laws originated, and how they were made to serve the pecuniary purposes of their author. We will now show how they were made to serve the basest partisan purposes. They have been employed in two ways. *First*, as a means of corrupting electors. This was easy. There are always a low class of electors in every great city whose votes can be purchased. The appointment of these men as deputy marshals was a legalized way of buying their votes and making the government furnish the money.

One Congressional district in the city of St. Louis was carried by the republicans in 1876 in this way. There were one thousand and twenty-eight deputy marshals appointed in that city for no other purpose than to secure their votes for and their assistance in the election of the three republican candidates in the three Congressional districts of St. Louis. There was $20,000 of the people's money spent as campaign money in that contest, though ostensibly for enforcing the election laws. D. W. D. Barnard, an old friend of General Grant and a National Bank Examiner, testified in the contested election case of Frost *vs.*

Metcalf that he controlled the appointment of these deputy marshals and that he used his power simply and only for partisan purposes.

He was asked: "Was there any more necessity for the appointment of marshals for that election than for any previous election ?" He answered, "Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the co-ordinate branches of the government to be in accord : and there was an effort on the part, so I interpreted it, of the party which I acted with to gain control of the House of Representatives."

Thomas Berrell, J. F. Ryan, N. W. Devoy, Michael Carroll, Matthew Horan and Michael Welsh testified that they were appointed deputy marshals on the condition that they would vote for the Republican candidate, and others were appointed on a like distinct pledge. Carroll testified that the man who appointed him said, "I don't care a damn what you are ; I want you to do one thing and I will get you a commission—vote for Metcalf." Thomas McNamara testified that he was appointed a deputy marshal eight days before the election and instructed "to move around the ward and do all he could to help Metcalf." These marshals were in companies and under captains. Michael Welsh testified that his company was instructed on election day "to arrest all the Democrats they could, bring them in and keep them from voting—damn them."

Second, The Federal Elections Laws have not only been perverted to enable the money of the United States to be used for corrupting electors, but the chief supervisors by appointing men from the lowest and most vicious classes deputy marshals, not only secured their votes, but employed them to terrrorize and intimidate legal voters. Here is a list of the characters appointed deputy marshals in New York city.

NEW YORK'S SCUM AS DEPUTY MARSHALS.

J. F. Baderhop, appointed by this estimable Judge Woodruff, at the instance of some of my friends, "bucket-men" in New York, some of those "shoulder-hitters" and "rat-pit heroes."

Theodore, alias Mike Anthony, alias Snuffy, of 24 Cherry street, a laborer, thirty-five years of age, married, and cannot read or write. Anthony was arrested by detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

Joseph Frazier, of 279 Water street, is a thief and confederate of thieves.

James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

James Tinnigan keeps a similar den in the basement of 337 Water street.

James Sullivan, alias Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 337½ Water street.

John, alias "Buckey" McCabe, supervisor of the Eighth District, Fifteenth Ward. He is now under indictment for shooting a man with intent to kill. This precious "supervisor" was first known to the police for his dexterity in robbing emigrants. His picture is in the "rogues' gallery" at police headquarters in this city, No. 225. He was known as Pat Madden, alias "Old Sow," alias Honsey Nicholas, alias Dennis McCabe. His real name is Andrew Andrews.

Joseph Hurtnett, supervisor Eighteenth Ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

Henry Rail, supervisor Eighth Ward. One of the principals in the Chatham street saloon murder; went off West to escape punishment, and has only been back a few weeks.

James Moran, supervisor Third District, Eighth Ward. Arrested on Sunday last for felonious assault.

William (alias Pomp) Hartman (colored), marshal Twenty-second Ward. Arrested a few days since for vagrancy.

Theodore Allen, marshal Eighth Ward. Now in prison for perjury and keeps a house, the resort of panel thieves and pickpockets, on Mercer street.

Richard O'Connor, supervisor Seventh District, First Ward; has been for years receiver of smuggled cigars from Havana steamers.

L. H. Cargill, supervisor Ninth District, Ninth Ward; tried in United States Court for robbing the mails.

John Van Buren, supervisor Twelfth District, Eighth Ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

Mart Allen, marshal Eighth Ward; served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford.

John McChesney, supervisor Fourth District, Ninth Ward; associated with thieves; bears a bad character generally.

William Cassidy, supervisor Twefth District, Ninth Ward; is street bummer, without any visible means of support.

Thomas McIntyre, marshal Eighth Ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal Sixth District, First Ward; a Washington market lounger.

Peter Mose, marshal Sixth Ward; habitual drunkard.

John Connor, supervisor First District, First Ward; keeps a disorderly gin-mill, resort of lowes characters.

Francis Jordan, supervisor Sixth District, First Ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

Bernard Dugan, supervisor Eighth District, First Ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor Ninth District, First Ward; arrested about six months ago for grand larceny.

Patrick Mnrphy, supervisor Fourth District, Sixth Ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

Edward Sievin, Jr., supervisor Second District, Fourth Ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

Michael Foley, supervisor Fourth District, Fourth Ward; well known repeater, voting for any body that will pay.

James F. Day, supervisor Seventh District, Fourth Ward; shot at a man in fight between the Walsh association and a gang from Water street.

John Conners, alias "Jockey," supervisor Third District, Fourth Ward; a well-known desperate character.

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Michael Costello, marshal Sixth Ward; bounty-jumper during the war.

Harry Rice, supervisor Thirteenth District, Sixth Ward; was connected with the Chatham street concert saloon murder and fled to Nebraska to escape punishment.

Thomas Lane, supervisor Seventeenth District, Sixth Ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

John Lane, supervisor Twenty-second District, same Ward; was indicted for receiving stolen goods. Has served a term in Sing Sing.

Edward Foley, supervisor Sixth District, Ninth Ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor Eighteenth District, Ninth Ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor Nineteenth District, Ninth Ward; arrested August 20th, 1869, for till-tapping.

James Fitzsimmons, supervisor Twentieth District, Ninth Ward; arrested August 1st, 1868, for robbery.

John Martin, supervisor Fifth District, Twelfth Ward; arrested a few years ago under an indictment for arson.

Samuel Rich, supervisor Fourth District, Thirteenth Ward; served a term of two years at Sing Sing for felonious assault.

John alias "Buckey" McCabe, supervisor Eighth District, Fifteenth Ward; charged with shooting a man with intent to kill about a year ago.

William P. Burke. supervisor Twentieth District, Eighth Ward; served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

James McCabe, supervisor Fourth District, Eighth Ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor Fourteenth District, Eighth Ward; has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

Patrick Henry Kily, alias Fred. Williams, supervisor Twenty-second District, Eighth Ward; keeper of a house of ill-fame: resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the Tenth District, Sixth Ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth Ward, has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth Ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth Ward; has been but a short time out of State prison, where he has been serving out his sentence.

Walter Prince (colored), marshal Eighth Ward; now in prison awaiting trial for highway robbery.

Andrew Andrews, alias Hans Nichols, marshal; panel-thief; been sentenced two or three times to State prison, and has just returned from Blackwell's Island.

I read this from page 1,636 of the *Congressional Globe* for the Forty-first Congress, third session, February 24th, 1871.

PHILADELPHIA JAIL BIRDS AS DEPUTY MARSHALS

In Philadelphia the list is equally redolent of crime, the gallows and murderer's cell. Here they are for 1878:

Charles Oliphant, marshal Second division, Twentieth Ward; drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

Charles Herr, marshal Second Division, Twenty-ninth Ward; character and reputation bad, had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge and solicited votes as a Republican.

Arthur Vance, marshal Eighth Division, Fifth Ward; arrested Hutchinson, a voter, without cause. Vance was a notorious Republican worker.

John Homeyard, marshal Sixth Division, Sixth Ward; drunk and arrested voters without cause, drew a club on a Democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard and brought voters to polls. Homeyard vouched for Republican voters and distributed Republican tickets. Shriver, a United States revenue officer, kept Republican window-book.

J. R. Desano, marshal First Division, Fifth Ward; drunk all day, too drunk to arrest any one. There were five policemen at these polls. Desano never voted in that division before that day.

James Brown, marshal Fourteenth Division, Fourth Ward; record of his conviction in 1872 for voting illegally produced. Proof was made that he voted twice on the same day.

William Augustus, Fourth Division, Eighth Ward; acted as marshal, assuming authority as such, but was not on the list; a Republican worker.

Joseph Hilferty, marshal Twenty-first Division, Second Ward; held the Republican window-book all day and electioneered; threatened to arrest the Democratic United States supervisor for procuring bail for a legal voter who had been arrested.

William McGowan, marshal Twenty-third Division, Second Ward. A policeman blocked up the voting window, and a Democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station-house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

Charles N. Miller, detective, testified that in Seventeenth Division of Nineteenth Ward a gang of repeaters were brought to the polls by a letter-carrier; he had one of the gang arrested.

Philip Madden, marshal Fourth Ward; one of the most dangerous men in the city, has been in prison twice, once for highway robbery, and the second time for shooting a colored boy.

Francis McNamee, marshal Eighth Ward; had been arrested for five different robberies.

Andrew Lenoir, marshal First Ward; a warrant has been issued for him for larceny.

Daniel Redding, marshal First Ward; a bad and dangerous man, had been tried for murder.

Henry Pitts, marshal Seventh Ward; a colored man who keeps a gambling-house and been arrested twice; distributed Republican tickets and vouched for voters.

R. S. Stringfield, marshal Fifteenth Ward; had been tried for shooting a man, character very bad.

Michael Slavin, marshal Fifth Ward; a thief and notorious repeater, had been arrested for subornation of perjury, but never tried.

William Glenn, marshal Nineteenth Ward, superintendent of Norris square, and paid by the city for his duties.

Enoch Baker, marshal Second Division, Third Ward; arrested John Carroll, a legal voter, without cause and locked him up; Carroll was discharged after a hearing.

J. Roberts, marshal Sixteenth Division, Third Ward; arrested John Johnson a legal voter and locked him up all night; case never tried. Roberts electioneered for the Republican ticket; was clerk in the gas office and paid by the city; there were also twelve to fourteen policemen at the polls all day, and they blocked up the poll.

Andrew Jackson, marshal Twenty-second Division, Thirteenth Ward; employed in the gas works under the city. Ackerman, Republican judge of election, acted as United States supervisor and judge and refused to vacate the place of judge after writen orders by marshal Kearns and judge Elcock. Jackson arrested Feeny, who had been legally appointed judge and took him away from the polls. Did not return to get possession until 2 p. m.

C. A. Pinnexson, marshal Thirteenth Ward; aided in arresting Feeny.

—— Taylor, marshal Fifteenth Division, Third Ward, arrested Sweeny for illegal voting and locked him up; charge was found to be false and he was released and voted.

James Calligan, marshal Eighth Division, Sixth Ward; so drunk in the afternoon he could not walk, seized a qualified voter by the collar and staggered with him against the wall; policeman brought a repeater to the polls, who was arrested, as was the policeman.

Henry Scott, marshal Second Division, Seventh Ward; a man of bad repute, colored, keeps a low drinking house; electionered and gave out tickets and tax receipts; was inside at the counting of the vote and took tickets out of the box; only five votes came out for the Democratic candidate for Congress; democratic overseer contested this, and Scott allowed seventeen to be counted for him.

Thomas Donlan, marshal Seventh Division, Sixth Ward; an habitual drunkard and a graduate of house of correction for this; was drunk all day.

William D. Barth, marshal; same place; blocked up the voting window and would not allow legal voters to come to it; there were two United States marshals and six policemen at this poll.

John Archer, marshal Twenty-seventh Division, Nineteenth Ward; acted as United States supervisor; was on both lists and paid as both officers; when a marshal wanted during the day to arrest a Republican repeater, he did not make known that he was a deputy marshal; had no badge; heavy Republican division; no policeman there.

Joseph T. Fuller, marshal Sixth Division, Twenty-third Ward; a guard in the House of Correction and paid by the city.

William Stringfield, marshal Thirty-Second Division, Twenty-fourth Ward; arrested a legal voter and took him to the magistrate's, where he was discharged; Stringfield was discharged from employment the day before election for stealing.

Charles Male, marshal Seventh Division, Eleventh Ward, keeps a house of prostitution.

Abraham Hoffman, marshal Eleventh Ward, a repeater, and had kept a house of prostitution within a year; a thief.

William Eckenbrim, marshal Eleventh Ward, arrested for larceny; bill ignored.

David Beckman, marshal Thirty-second Division, Nineteenth Ward, held the Republican window-book and electioneered; threatened to put the Democratic United States supervisor out of the room for challenging a voter: the vote was rejected and the voter did not return.

William A. Ahern, marshal Ninth Division, Twelfth Ward, employed in the United States Revenue office.

—— Fleming, marshal Sixth Division, Eighteenth Ward, distributed Republican tickets and challenged voters; a legal vote was rejected on his challenge; intimidated many Democratic voters.

William Boehm, marshal Eighteenth Division, Twenty-ninth Ward, plug inspector, and paid by the city, electioneered and distributed Republican tickets.

Charles Prenderville, marshal Seventeenth Division, Fifth Ward, arrested a legal voter; case never tried; electioneered for Republicans all day.

This was the record of a two days' investigation at Philadelphia.

The character of elections in Philadelphia is well-known. The registration there is always in excess of the legal voters from 30,000 to 50,000. The republicans having the machinery of registration in their own hands, uniformly and systematically make the registration in excess as a preparation to repeating and other forms of illegal voting. Before every election the Democrats prepare affidavits and go into the courts and have several thousand stricken from the register lists, but they can scarcely more than make a beginning, because all the courts can give suffices only to strike off a few hundreds a day.

HOW THE PEOPLE'S MONEY IS SQUANDERED.

The following tables show what these federal election laws have cost the people at the two last Congressional elections and where the money has been expended:

Supervisors and Deputy Marshals employed in 1876, *with compensation.*

States and Districts.	Amount paid Chief Supervisors.	Number of Supervisors.	Amount paid Supervisors.	Number of Deputy Marshals.	Amount paid Deputy Marshals.	Total Amount paid.
Alabama, northern				150		
Alabama, middle				244		
Alabama, southern	$2,298 38	19	$500 00	192	$2,530 00	$5,238 36
Arkansas, eastern				785		
Arkansas, western				214		
California	1,578 99	105	5,220 00	244	4,225 00	11,023 99
Delaware				135		
Florida, northern				745		
Georgia	567 50			207	1,410 00	1,977 50
Illinois, northern		188	5,640 00	115	1,105 00	6,745 00
Louisiana	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts	223 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern	50 50			239		50 50
Mississippi, southern				9		
Missouri, eastern	187 40	152	1,330 00	1,032	16,385 00	17,902 40
Nevada				9		
New Jersey	3,771 19	85	3,420 00	249	4,085 00	12,276 19
New York, northern	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern	501 84			166		591 84
Oregon				13		
Pennsylvania, eastern (Philadelphia)	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western		224	2,240 00	49	490 00	2,730 00
South Carolina	879 14			338	395 00	1,274 14
Tennessee, western	120 00			30	150 00	279 00
Texas, eastern	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern	551 05		1,630 00	201	1,785 00	3,966 05
Virginia, western	206 00					205 00
West Virginia				4		
Idaho				4		
New Mexico				78		
Utah				18		
Total	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid U. S. Commissioners in New York City for services under election laws.						3,304 60
Total expenditures reported for 1876						285,821 27

Supervisors and Deputy Marshals employed in 1878, *with compensation.*

States and Districts.	Amount paid Chief Supervisors.	No. of Supervisors.	Amount paid Supervisors.	No. of Deputy Marshals.	Amount paid Deputy Marshals.	Total Amount paid.
Alabama	$1,551 71	......	$1,000 00	110	$1,000 00	$3,551 71
Arkansas	....	......	....	175	....	....
Florida	....	......	....	189	....	....
Georgia	....	......	....	36	170 00	170 00
Illinois, northern	....	224	4,480 00	215	2,240 00	6,720 00
Kentucky	116 00	......	870 00	......	870 00	1,856 00
Louisiana	1,313 00	206	3,600 00	241	4,000 00	8,913 00
Maryland	351 03	230	2,950 00	698	4,445 00	7,746 03
Michigan, eastern	....	52	1.300 00	10	2,935 00	1,435 00
Massachusetts	....	282	8,460 00	224	135 00	11,395 00
Nevada	....	......	....	20	....	....
New Jersey	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New Mexico	....	......	....	10	....	....
New York, southern (city)	....	1,225	30,000 00	1,260	27,000 00	57,000 00
New York, eastern	15,972 33	354	10,620 00	574	6,500 00	33,092 33
New York, northern	7,558 80	374	11,000 00	376	7,000 00	25,558 80
Ohio, southern	740 45	......	890 00	71	447 78	2,078 23
Pennsylvania, eastern	5,830 00	1,370	27,440 00	773	7,550 00	40,820 00
Pennsylvania, western	....	312	3,121 00	19	....	3,121 00
South Carolina	579 35	34	680 00	46	700 00	1,975 35
Texas	....	......	....	79	....	....
Virginia, eastern	585 00	70	620 00	93	570 00	1,775 00
Total	41,922 51	4,881	110,081 00	5,411	68,442 78	220,446 29
Amount paid U. S. Commissioner for services under election laws in New York city.	....	......	....	......	....	2,567 95
Total expenditures reported for 1878	......	......	....	......	....	222,714 24

In the above table the amount paid Chief Supervisor Davenport, of New York City, is not included because it was not reported to Congress.

There is no data for expenditures prior to 1876, except in New York City, for 1872. There the amount expended in that year was $118,989.36.

GENERAL GARFIELD'S INCONSISTENT RECORD.

The record James A. Garfield made for himself on the proposition to amend the Federal election laws illustrates his character and proves the bulk of the charge which the leaders of his own party have time and again made against him, namely, that he is without moral courage, and consequently always inconsistent. His course in regard to the amendment of Section 2002, Revised Statutes, gave great offence to his party friends in both Houses of Congress, and gained him no credit with the democrats. He began by declaring that in his judgment the words, "or to keep the peace at the polls" ought to be stricken from that section, and avowed his determination to vote therefor. This was at the last session of the Forty-fifth Congress. In the Forty-sixth Congress he first excused himself for not keeping the pledge by declaring against the "wickedness" of placing general legislation as "riders" on appropriation bills. Probably no man in public life has been guilty of more "wickedness" of this kind than General Garfield. During the time he was Chairman of the Committee of Appropriations there was scarcely an appropriation bill reported to the House which did not contain one or more provisions of general legislation. Again, when the report of the words, "or to keep the peace at the polls" was attempted by an independent measure, General Garfield DODGED the vote, and then when the *de facto* President vetoed it, he voted to sustain the veto. And more than this, he first voted to place a proviso on the army bill at the called session of the Forty-sixth Congress, declaring that none of the money appropriated by that bill was intended for the support, equipment, transportation or pay of troops, to be used to keep the peace at the polls, and forbidding the use of any of the money for that purpose ; and at the second session of the Forty-sixth Congress he endeavored by every parliamentary trick to prevent a similar proviso being added to the army bill, and when he failed he *dodged* the vote on the adoption of the same. Mark how inconsistent was his course in regard to the amendment of the election laws.

The Legislative, Executive and Judicial bill failed at the last session of the Forty-fifth Congress because the Republicans would not yield on the proposition to amend the election laws. At the first session of the Forty-sixth Congress which was called by the *de facto* President, Mr. Cobb, on June 26, 1879, reported from the Committee of Appropriations a deficiency bill making appropriations to pay the fees of United States marshals and their general deputies. This bill contained provisions amendatory of the Federal election law. In discussing this bill on the following day General Garfield said:

GENERAL GARFIELD'S EXTRAORDINARY VIEWS.

> "The dogma of *sovereignty* which has reawakened to such vigorous life in this chamber has borne such bitter fruits and entailed such suffering upon our people, that it deserves some particular notice"
>
> It should be noticed that the word sovereignty cannot be fitly applied to any government in this country. It is not found in our Constitution. It is a feudal word born of the despotism of the middle ages, and was unknown even in imperial Rome, * * * [*Imperialism*, however, which was known to Rome has never had any particular terror for Gen. Garfield]. *Again the government of the state may be absolutely abolished in case it is not republican in form. And finally, to cap the climax of this absurd pretension, every right possessed by one of these sovereign states, every inherent sovereign right* except the single right to equal *representation in the Senate may be taken away without its consent by the vote of two-thirds of Congress and three-fourths of the states.* And yet in spite of these disabilities we have them paraded as independent, sovereign states, the creators of the Union and the dictators of its powers. How inherently sovereign must be that state west of the Mississippi, which the NATION bought and paid for with the public money, and permitted to come into the Union a half a century after the Constitution was adopted!

So could two-thirds of Congress and three-fourths of the states vote to abolish our form of government and establish a Presidency for life, with the succession to the heir of the so-called President. The one is just as logical as the other. According to Gen. Garfield's theory two-thirds of Congress and three-fourths of the states can constitutionally say that New York or Pennsylvania shall not elect a governor for three years, but must elect them for twenty years ; that their legislatures shall meet only once in fifty years, in short, take away from the people of those states "*every inherent right*" save equal representation in the Senate, and even that they might say should not be enjoyed by Catholics or Presbyterians,

Holding such views as these in regard to federal power, it is not strange that Gen. Garfield should argue as he did in the same speech that the NATION might send its soldiers and deputy marshals to the polling places in any state and supervise local as well as well as general elections, under the pretence of keeping the peace of the NATION at the polls.

GENERAL GARFIELD ANSWERED.

Mr. Hurd, of Ohio, in answer to Gen. Garfield said:

> My colleague, from Ohio, who has just taken his seat, has seen fit * * to enter upon a discussion as to the nature of the Federal government, and the relations of the states to that government under the Constitution which they created. Never in all my studies of the political history of this country, never in all my knowledge of the political debates which have taken place in the Congress of the United States, have I heard such views of consolidation advanced as have been suggested to-day by that gentleman.
>
> He advanced the extraordinary proposition that the Union preceded the states, when the seventh article of the Constitution declares:
>
> "The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same."
>
> But in order that all doubt might be removed upon the subject that the Constitution and the Union were the creature of the states, it was declared in the tenth amendment of the Constitution:
>
> "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."
>
> Nor is the opinion of the highest judicial tribunal in this country wanting upon this proposition.

In the case of Lane County *vs.* Oregon the following is the decision of Chief-Justice Chase, to be found on page 76 of 7 Wallace:

"The people of the United States constitute one nation, under one government, and this government within the scope of the powers with which it is invested, is supreme. On the other hand, the people of each state compose a state having its own government, and endowed with all the functions essential to separate and independent existence. *The states disunited might continue to exist. Without the states in union there could be no such political body as the United States.*"

* * * * * * *

At the beginning of this session of Congress the Democratic party declared three propositions. We insisted that the army should be kept away from the polls; that the test oath should be repealed; and that laws should be enacted for the impartial drawing of jurors, and that the Federal government should not exercise authority over elections held within the states. We insisted and maintained that because of and by virtue of the constitutional provision that the House of Representatives alone shall originate money bills, the representatives of the people had the right to insist that the grievances of which they complained should be remedied before appropriations should be made for the support of the government.

* * * * * * *

We said that the measures to which we objected were unconstitutional; we said that there was no such person as a voter of the United States as such; that every man who had a right to vote had it because of state authority and under state laws, and that therefore the Federal government, not creating the voter, had no power to interfere with him in the exercise of his rights of franchise.

We insisted that under the laws as they now stand there is no such thing as a national election; that under the provisions of the Constitution in order that there should be a national election it was fundamental that Congress should fix the places, times and manner of holding such election. In that event there might be a national election, but that is not this case, for in every instance the times, places, and manner of holding elections are fixed by the constitution and the laws of the states, except in a single instance as to the time. The states having exercised power upon the subject, there is no occasion for the exercise of power by the United States, and to say that the United States and each state at the same time possess the power of fixing the time, place and manner of holding elections is to say that two sovereignties possess the power to do the same thing at the same time on the same subject-matter, which is itself an absurdity. We maintain as to the army that it being a creature of Congress, it has no power to be within the limits of the sovereign states, except as the Constitution of the United States provides, and then only for the purpose of suppressing domestic insurrection or repelling the armed enemies of the United States, and then only at the request of the legislature thereof, or the executive of the state, if the legislature be not in session.

* * * * * * *

And in the history of this government, from the day of its foundation until now, the veto power was never before exercised to prevent the repeal of a law or to prevent the enactment of a general appropriation bill. Certainly never before was the veto power exercised to practically take away from one of the two Houses of Congress a power which is conferred upon it separately by the provisions of the Constitution itself. The power to originate bills of revenue is a power which belongs to us, and it is a power which, if the President interferes with it as he has done by this veto in this case, he can absolutely take away from us.

What reasons have been urged for these extraordinary vetoes? Chiefly that the bills we sought to pass took away from the executive authority power to enforce the law. Because we would not let him use the army on election day to keep the peace at the polls, he said we took away from him the power to enforce the laws. Sir, the army is a creature of Congress. The Constitution declares that the Congress may raise an army. The Constitution declares that appropriations for the army shall not last longer than two years. The Constitution declares that Congress may make rules and regulations for the government of the army; rules and regulations—"rules" coming first, "regulations" afterward. Therefore the army is absolutely the creature of Congress. Whether it shall be used to execute the laws or not is for Congress to say, and not for the President. He must take the army as we give it to him, for the purposes which we declare it shall be used for, we being the power to create it.

* * * * * * *

In the Forty-fifth Congress we said to the President, your army—our army, I mean—our army shall not be used as a *posse comitatus*. In the Forty-sixth Congress we have said our army shall not be used as a part of the police force. And before the Forty-sixth Congress shall have closed its term I say to gentleman that we will have taken from the statute-book every law which proposes to use this creature of ours at the polls to intimidate American citizens in the exercise of their highest prerogative.

* * * * * * * * * * * * * *

Mr. Chairman, this extra session has made up the issue between the two parties. The Democratic party declare that the army shall be kept from the polls; that juries shall be impartially drawn; that the test oath shall be repealed, and that the Federal authority shall not interfere in elections within the states. Upon that question the Republican party takes issue with us. Confidently appealing only to the patriotism of the country, the Democratic party goes into this contest. Never in all the history of this land have more important questions been submitted to the American people for their determination.

THE BILL VETOED.

Mr. Cobb demanded the previous question on the passage of the bill, and Mr. Conger called for the yeas and nays. The question being taken the bill passed—yeas 89, nays 69—**MR. GARFIELD** voting **NAY.**

The bill then went to the Senate and was passed without amendment on June 28th. On the 30th day of same month it was vetoed by Mr. Hayes. The veto message being read the question was, "Will the House, on reconsideration, agree to pass the bill notwithstanding the objections of the President?" The yeas and nays being demanded, the vote stood, yeas 85, nays 63, **Mr. Garfield** again recording his vote in the *negative.* Two-thirds not voting in the affirmative the bill was lost.

No appropriations were made at the first session of the Forty-sixth Congress for the pay of marshals and their general deputies.

THE ELECTION LAWS AT THE SECOND SESSION FORTY-SIXTH CONGRESS.

At the second session of the Forty-sixth Congress the *de facto* President, February 25, 1880, asked Congress in a special message to make appropriations for the pay of the marshals for the current fiscal year. A general deficiency bill was reported from the Committee of Appropriations providing, among other things, for the pay of the marshals, with restrictive legislation in regard to the duties of Federal election officers. The amount appropriated for the pay of marshals was ample—$600,000 for that current year. There was no election that year and the prohibition that none of it should be applied to the payment of expenses incurred or to be incurred for election officers applied only to deficiencies on account of liabilities incurred for an election in the state of California, or to what might be unexpended. The pay of the special marshals for the election in California, $7,600, had been guaranteed by the Republican State Committee, and therefore it was a private obligation.

Gen. Garfield opposed the bill on the ground that it was a nullification of existing laws. He claimed that under sections 2011 and 2012, Revised Statutes, the Judges of the Circuit Courts of the United States were bound to appoint these election officers. This was literally begging the question. The law requires the judges to appoint supervisors only—not deputy marshals. They are to be appointed by the marshals. The amendments to the election laws proposed by the Democrats did not do away with supervisors. They only curtailed some of their powers and repealed the unwonted powers given to special deputy marshals. The deficiency bill prohibited payment only to these deputies. The marshals knew before they appointed them that Congress had not provided for their payment, and they and those they appointed acted upon their own responsibility in appointing and accepting. The Revised Statutes, section 3679, specifically prohibits the expenditure of any money or the incurring of any *liabilities* without appropriations made for the same, or in excess of appropriations. Therefore the marshals violated this law in appointing deputies, and the Department of Justice violated it in permitting the marshals to incur the *liability* of paying these deputies.

REPUBLICAN AUTHORITY QUOTED.

Mr. Warner, of Ohio, made a speech in which he elaborately argued the right of the House to control money bills and the object for which appropriations should be made. He quoted not only from the Fathers of the Republic to show that this had been their view of the power of the House and of Congress, but from the great lights of the Republican party, Mr. Sumner, Mr. Fessenden, Mr. Hale, Mr. Seward, Mr. Wilson, Mr. Giddings and Mr. Wade.

Mr. Woods, Senator from Ohio, said :

> Must the people's House of Representatives sit with their arms folded, and although the Constitution of the United States confers emphatically upon them the power to originate all revenue bills (which comprises the power to place these grants of money on such conditions as they see fit,) must they refrain from exercising their authority in an emergency like this ? Is this the liberty of the American citizen, that the people's House, where there really is a representation of the people, where the wisdom of the fathers placed the taxing power, are leading to revolution by annexing a condition to the appropriation of the people's money a most wholesome restraint, putting a curb in the mouth of the traitor who sits in the executive chair, now stimulating this country as fast as he can do it to a civil war ?

John P. Hale, of New Hampshire, said :

Mr. President, I understand this principle to be the great principle of English liberty incorporated in our Constitution, and it is the only resource by which the Parliament of Great Britain have held the king in check. If we surrender it we shall give our own Executive an arbitrary power unknown to the Constitution, and not vested in the king of England. It is the only principle that is left of popular government by which the supremacy of the popular will can be maintained in this country or in England, and if we give it up to-day, we may just as well give up the experiment.

Joshua R. Giddings spoke in the same way:

I take the position which I have always maintained here for myself, and which I am unwilling in the midst of passing events to leave unproclaimed on this floor, and that is that the people have a perfect unlimited control of their own funds. We are the representatives of the people here. We are their agents, sent here to deal out their funds, and it is not for the Senate or for the Executive to say that we shall appropriate them to any object revolting to the proper sense of justice and propriety. I lay down this as a principle too old and too well understood to be disputed at this day.

Mr. Seward, recognized by all parties as a statesman of high rank, said :

Since the House of Representatives has power to pass such a bill distinctly, it has power, also, to place an equivalent prohibition in any bill which it has constitutional power to pass. And so it has a constitutional right to place the prohibition in the annual Army Appropriation bill.

I grant that this mode of reaching the object proposed is in some respects an unusual one, and in some respects an inconvenient one. It is not, therefore, however, an unconstitutional one, or even necessarily a wrong one.

It is a right one if it is necessary to effect the object desired, and if that object is one that is in itself just and eminently important to the peace and happiness of the country or to the security of the liberties of the people.

Mr. Wilson, afterward Vice-President, went so far as to step even on the dangerous ground so bitterly condemned now by the other side of the House, and which I also in part condemn. Mr. Wilson says :

"The House of Representatives," says Mr. Madison, "cannot only refuse, but they alone can propose the supplies requisite for the support of the government." This declaration is full, ample, complete. If the House can refuse the supplies requisite for the support of the government, if it possesses this complete and effective weapon for obtaining a redress of every grievance and for carrying into effect every just and salutary measure, the occasion surely demands the full exercise of that power of the House; and in its firm exercise, to use the words of Madison, it will be sustained by the consciousness of being supported in its demands by right, by reason, and by the Constitution.

GENERAL GARFIELD SUGGESTS AN AMENDMENT.

On March 19, 1880, while this bill was being considered in the Committee of the Whole, Mr. Springer, from the Committee on Elections, acting upon a suggestion—a proposition made the day before by Gen. Garfield—offered the following amendment to an amendment which had been offered by the Republicans to appropriate $7,600 for the pay of the special deputy marshals in California :

Amend the amendment by adding thereto the following :

For special deputy marshals of elections, the sum of $7,600 ; *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of $2 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the Circuit Court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge, and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall each be of different political parties, of good character, and able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed.

Mr. Hitchcock, of New York, and Mr. Keifer, of Ohio, both made points of order on the amendment, and opposed it on its merits. In the progress of the debate on this amendment, Gen. Garfield said :

Mr. Garfield: Do I understand the Chair to hold that the vote on one branch of the amendment would cut off debate upon the second branch?

The Chairman: The Chair thinks it would. It is all one amendment; and if there is to be any debate upon it, it should take place before any vote is taken.

Mr. Garfield: Mr. Chairman, I desire to offer an amendment to the second branch——

The Chairman: That is not in order.

Mr. Springer: I will hear the gentleman's amendment; perhaps I will accept it.

Mr. Garfield: It is to strike out all after the words "in the absence of the circuit judge," where they occur in the last line of the *Record* print, page 39. I speak for nobody but myself, but I will vote for the amendment if all following these words be struck out.

A Member: What is the effect?

Mr. Springer: I cannot accept that amendment.

Mr. Garfield: I do not ask the gentleman to accept it. This is not a contract.

The Chairman: The Chair will state to the gentleman from Ohio (Mr. Garfield) that the Committee on Appropriations has reported back this bill, recommending the adoption of an amendment making an appropriation of $600,000 to pay marshals and their general deputies. To that amendment the gentleman from Illinois has proposed an amendment. Therefore not only an amendment, but an amendment to the amendment, is now pending; and at present no further amendment is in order under the rules.

Mr. Garfield: Would it be in order to offer a substitute for the whole amendment of the gentleman from Illinois?

The Chairman: That can be done.

GARFIELD'S AMENDMENT IN HÆC VERBA.

Mr. Garfield: Then I offer as a substitute the amendment of the gentleman from Illinois, with these modifications: inserting $5 a day instead of $2 a day, and omitting everything after the words "in the absence of the circuit judge."

The proposed substitute was read, as follows:

"And for special deputy marshals of elections, the sum of $7,600; *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of $5 per day in full for their compensation; and that all appointments of such special deputy marshals or of general deputy marshals having any duty to perform in respect to any election shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge, in the absence of the circuit judge."

* * * * * * * * * * * * *

Mr. Simonton: I desire to make a parliamentary inquiry.

The Chairman: The gentleman will state it.

Mr. Simonton: Is the substitute of the gentleman from Ohio open to amendment?

The Chairman: One amendment may be offered to that substitute.

Mr. Simonton: Then I offer as an amendment to the substitute what I send to the desk.

The clerk read as follows:

"Strike out '$5' and insert '$2;' and after the word 'judge' insert 'and not less than two nor more than three appointments shall be made for any voting precinct where such appointments are required to be made, and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed."

Mr. Conger: That is the original proposition.

The Chairman: The Chair thinks it is substantially the same thing, but it is offered as an amendment to the substitute.

Mr. Conger: Marshals of three political parties were provided for by the modification of the amendment of the gentleman from Illinois [Mr. Springer], and this is virtually restoring the original proposition.

The Chairman: There is no doubt about that; but the Chair cannot rule it out on that account.

Mr. Springer: Is the modification of the gentleman from Tennessee [Mr. Simonton] now before the committee?

The Chairman: It is.

Mr. Horr: I desire to oppose the amendment.

Mr. Springer: I rise to support it.

Mr. Simonton: I will yield my time to the gentleman from Illinois [Mr. Springer.]

The Chairman: The Chair will first recognize the gentleman from Illinois, to support the amendment, after which he will recognize the gentleman from Michigan [Mr. Horr].

HE FURTHER AMENDS.

Mr. Springer: I regret that the gentleman from Ohio [Mr. Garfield] should so soon have retreated from the position which he took in this house yesterday.

Mr. Garfield: I have not retreated from it at all.

Mr. Springer: The gentleman says he has not retreated.

Mr. Garfield: Not at all.

Mr. Springer: I will read from the *Record* to show whether the gentleman has retreated or not. The gentleman said:

"We offered last session to let the law be changed so that these officers should be appointed from the two parties. I distinctly held that out as a standing offer; and, so far as I am concerned, that 'lamp still holds out to burn.'"

Now, that gentleman comes in with a substitute, and proposes to leave out the very portion of my amendment which provides that these officers shall be appointed from different political parties. Is not that true?

Mr. Garfield: If the gentleman will allow me, I will say that I am entirely willing to put that in. I had not in the moment allowed me the time to prepare carefully the whole amendment. The part to which I objected, and which I wanted to get stricken out, was that part which limited us to three marshals to keep the peace in a precinct where there might be a riot of several thousand persons.

Mr. Springer: Then the gentleman moved to strike out "three," and insert "as many as the Court may deem necessary."

Mr. Garfield: Very well, but I will not take your three-marshal proposition.

Mr. Springer: It seems to be difficult to frame a proposition to which the gentleman will agree.

Mr. Garfield: Restricting the number of marshals to three for a whole voting precinct was never a part of any proposition suggested by the other side yesterday, or accepted by us on this side. That is what I objected to.

Mr. Springer: If the gentleman desired to remedy that, it was his province to move an amendment as to the number.

Mr. Garfield: I am willing to do so now.

Mr. Springer: The gentleman did not do so, but moved an amendment in regard to the political complexion of these marshals.

Mr. McMahon: If the gentleman will permit me, I will say to my colleague from Ohio [Mr. Garfield] that he seems to forget that the law is not interfered with at all which permits general deputy marshals to be present at the polls; and under the statute they may be appointed to an unlimited number.

Mr. Garfield: Not under this amendment. This amendment limits the number to three, of general and special deputies. The point I make against the amendment as it stands is, that in all cases of doubt, danger and disturbance, the government of the United States can have but three officers empowered to keep the peace against a riot, however large.

GENERAL GARFIELD'S AMENDMENT ACCEPTED.

Mr. Springer: I will say to the gentleman from Ohio that I have no objection to leaving to the discretion of the Court the power to appoint a sufficient number in each precinct to keep the peace at the polls. I desire a free and fair expression of the popular will at every poll in the United States. The Democratic party desires such free and fair expressions of the people's will at every poll in the United States.

Mr. Reed: It must be a recently-born desire.

Mr. Springer: And any one who asserts that the Democratic party desires to commit or permit fraud at any poll in the United States, asserts that which is not true, and which is not supported by the history of the Democratic party in the past.

I ask the members of the Democratic party on this floor, I ask the Republicans on the other side of this House, to support this amendment, or the substance of it, in order that this vexed question of deputy marshals at the polls may be settled by this House in such manner as to give satisfaction to all the people of this country, and to take the subject out of all the discussions of political parties.

We all say that we desire fair and free elections. Gentlemen on the other side must understand that it is not fair to surround the polls with an unlimited number of their own partisans, paid out of the treasury of the United States, for the purpose of electioneering in behalf of their own party candidates. You know that is not fair. I ask you to remedy it. You can remedy it by voting for this amendment. If you do not remedy it, but contend for the right to surround all the polls of the United States with your own paid partisans, in order to electioneer for your party candidates, you will be asking for that which you know is not right, and which is not sustained by the law.

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GENERAL GARFIELD WRITES IT OUT.

Mr. Garfield: I have written out a modification in the form of an additional clause.

The Chairman: The clerk will report the substitute as now modified.

The Clerk read as follows;

" For special deputy marshals of elections, the sum of $7,600: *Provided*, That hereafter special deputy marshals of elections and general deputy marshals, for performing any duties in reference to any election, shall receive the sum of $5 per day in full for their compensation; and that all appointments of such special deputy marshals, or of general deputy marshals, having any duty to perform in respect to any election, shall be made by the Judge of the Circuit Court of the United States for the district in which such marshals are to perform their duties, or by the District Judge in the absence of the Circuit Judge; said special deputies to be appointed in equal numbers from the different political parties."

Mr. Garfield: I modify the substitute further by striking out the words " and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. Springer: I object to that modification.

The Chairman: The gentleman has the right to modify his own substitute.

Mr. Field: I desire to call the attention of the gentleman from Ohio to one point. The provision is, that in the absence of the Circuit Judge these officers shall be appointed by the District Judge.

Mr. Garfield: Yes, sir.

Mr. Field: I suggest that the words " of the district " be inserted.

Mr. Garfield: Very well; I modify the amendment further by inserting after " district judge " the words " of the district."

The amendment of Mr. Simonton to the substitute of Mr. Garfield was read, as follows:

" Strike out '$5' and insert '$2;' and after the word 'judge' insert:

" And not less than two nor more than three appointments shall be made for any voting precinct where appointments are required to be made; and the persons so appointed shall be of different political parties; and if there are more than two political parties having tickets to be voted for, no two of said deputy marshals shall be appointed from the same party. And the persons so appointed shall be persons of good character, able to read and write the English language, and shall be well-known residents of the voting precinct in which their duties are to be performed."

Mr. Keifer: I should like, if we are going to vote on the amendment of my colleague [Mr. Garfield] to have the clerk read that substitute, as it would be if adopted.

The amendment was read.

The Chairman: The Chair understands the gentleman from Tennessee to modify his amendment so as make it come in at the end of the substitute as originally offered.

Mr. Simonton: Before the word " said " and after the word " judge."

The question recurred on Mr. Simonton's amendment to Mr. Garfield's substitute.

The committee divided, and there were—ayes 105, noes 103.

Mr, Garfield demanded tellers.

Tellers were ordered; and Mr. Garfield and Mr. Simonton were appointed.

The committee again divided; and the tellers reported—ayes 117, noes 114.

So the amendment to the amendment was agreed to.

SPEAKER RANDALL WELCOMES GARFIELD'S PROPOSITION.

MARCH 20, 1880.—Mr. Randall (the Speaker) : I renew the *pro forma* amendment. The issue between the two sides has been very much narrowed during the discussion to-day. This law is on the statute-book ; many of us believe that it is unconstitutional. The effect of the amendment proposed by the gentleman from Illinois [Mr. Springer] is to take in part from that law a partisan administration of its provisions. It has been distinctly asserted on the other side by several who have addressed the House this morning that they will not be satisfied with any compromise or with any change of the existing law in these respects. We are ready to meet that issue. We say that if special deputy marshals are to be used at elections, whatever may be the opinion as to the constitutionality of such a law, those officers should be divided between the two or three political parties contending at such election. We say that when we come to vote the money to carry out such law we will not vote it to be used for any partisan purposes. We want the money to be used for no party ends whatever, but only for the purpose of carrying out the act which is on the statute-book, but which you declare it to be your purpose to administer as has been heretofore done.

Mr. Robeson : The gentleman says "for no party end." Did not the gentleman from Ohio [Mr. McMahon] stand here ten minutes ago and say that he did this for a party end, that they would take this now for the advantage which they could get from it, and afterward, having obtained that vantage-ground, they would sweep all the law from the statute-book ? [Applause on the Republican side.]

Mr. Randall (the Speaker) : In answer to the gentleman, allow me to say that I take no one man's word on this side of the House. I take the acts of the party who have the officers to execute this law in contradistinction to the words of anybody. You have administered this law in an outrageous and unjustifiable manner. [Applause on the Democratic side.] And in endeavoring to modify that law here to-day we do no more than to ask that it shall be made to exercise its powers upon all alike, and that those who administer the law shall be drawn from the great body of the people, without reference to party associations or affiliations. [Renewed applause on the Democratic side.]

The friends of the gentleman from Ohio [Mr. Garfield] assert that he did not take the position during the extra session of this Congress which it has been said he took. I ask to have read what the gentleman proposed as an amendment to this very bill and what he said at the time.

Mr. Hawley : We know what he said, and a great many of us would say the same thing.

The Chairman : The clerk will read what has been sent up by the gentleman from Pennsylvania [Mr. Randall].

The clerk read as follows :

Mr. Garfield : I modify the substitute further by striking out the words "and general deputy marshals," as the amendment ought to relate to special deputies only.

Mr. Springer : I object to that modification.

The Chairman : The gentleman has a right to modify his own substitute.

Mr. Field : I desire to call the attention of the gentleman from Ohio to one point. The provision is that in the absence of the circuit judge these officers shall be appointed by the district judge.

Mr. Garfield : Yes, sir.

Mr. Field : I suggest that the words "of the district" be inserted.

Mr. Garfield : Very well ; I modify the amendment further by inserting after "district judge" the words "of the district."

Mr. Randall (the Speaker) : I ask the clerk now to read the last two lines of the amendment offered by the gentleman from Ohio [Mr. Garfield].

The clerk read as follows :

Said special deputies to be appointed in equal numbers from the different political parties.

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I WILL VOTE FOR IT, I SWEAR I WI

Mr. Garfield : We are equals here, each having rights equal to every other, and nobody having any authority to bind any but himself. With that preface, I will speak for myself.

The first object which I try to keep before my mind in legislation is to be right. And on this question of the election laws, during the long and heated session of debate last summer, in which all sorts of accusations were made against them by gentlemen on the other side, there was made but one lodgment in my mind of a just criticism upon them. There was one charge made by the other side, and in so far as it was true I consider it a just objection to the law. It was that the law had been used, or was capable of being used, to fill election precincts with men of one party whose time might be employed at the public expense for party electioneering purposes.

I say in so far as that law can be so used to that extent it is unjust ; and at all times and on all proper occasions I have declared, and I now declare myself, willing to modify the law so that the alleged abuse cannot take place. [Applause on the Democratic side.] That I say for myself, and will continue to say it. No other valid objection to this law was, in my judgment, made by anybody during the last session of this Congress or since.

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BUT GARFIELD HADN'T HEARD FROM HIS PARTY.

Mr. McMahon : There is no accounting for gentlemen's taste who like pickles. If the gentleman is pleased, we are. I assert that my colleague [Mr. Garfield] inaugurated it. Time was given him for discussion when I tried to close debate. He came in with a prepared speech, endeavoring to place us in a false position. I undertook to reply in my feeble way. In the course of that argument, repudiating the interpretation the gentleman had put upon my speech, I said we desired a modification of the election laws ; that, if constitutional, they were not good laws ; that if they were modified we might vote money in the future for the purpose of carrying them out. Thereupon my colleague from the state of Ohio said to me on the floor that he had offered a proposition to appoint these marshals, by the court, from all parties at the last session, and that—

> "While the lamp holds out to burn,
> The vilest sinner may return."

And that the lamp was still burning, and he was ready to modify them. We acted on his words. We took it as an offer of compromise in good faith. Your stalwart men shout, "No compromise!" We acted on my colleague's offer, made on Wednesday last. The Committee on Elections met next morning and agreed upon the amendment, now pending, of my friend from Illinois [Mr. Springer], who brought it into the House and offered it under the rules, as he had a right to do. We thought when the offer contained in this amendment was made to gentlemen on that side, it would be accepted. But it seems to be objectionable in various ways, especially in limiting the number of deputies who may be appointed.

The amendment I have just now offered, which I hope our friends on this side will accept without dissent, as well as gentlemen on the other, is precisely the amendment my colleague from the state of Ohio [Mr. Garfield] offered yesterday in the House, without the crossing of a *t* or the dotting of an *i*, which proposition he has always said he will support, and which he has just now said he will vote for "if no other man does."

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GENERAL GARFIELD AND TWEEDLEDEE AND TWEEDLEDUM.

Same day the amendment of General Garfield, slightly modified, was adopted in Committee of the Whole. The committee rose, reported the bill, with amendments, to the House. The amendment above referred to was read. We print side by side General Garfield's amendment with that adopted by the Committee of the Whole.

GENERAL GARFIELD'S AMENDMENT.	AMENDMENT OF THE COMMITTEE OF THE WHOLE.
For special deputy marshals of elections, the sum of $7,600: *Provided*, That hereafter special deputy marshals of elections *and general deputy marshals*, for performing any duties in reference to any election, shall receive the sum of $5 per day in full for their compensation; and that *all* appointments of such special deputy marshals *or of general deputy marshals having any duty to perform in respect to any election* shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties, or by the district judge of the district in the absence of the circuit judge; *said* special deputies to be appointed in equal numbers from the different political parties.	For special deputy marshals of elections, the sum of $7,600: *Provided*, That hereafter special deputy marshals of elections for performing any duties in reference to any election shall receive the sum of $5 per day in full for their compensation, and that *the* appointments of such special deputy marshals shall be made by the judge of the circuit court of the United States for the district in which such marshals are to perform their duties or by the district judge in the absence of the circuit judge, *such* special deputies to be appointed in equal numbers from the different political parties; *and the persons so appointed shall be persons of good moral character and shall be well-known residents of the voting precinct in which their duties are to be performed.*
The words in italics above are not in the amendment adopted by the Committee of the Whole.	*The words in italics above are not in General Garfield's amendment.*

The yeas and nays were called on the adoption of this amendment. *General Garfield voted* NO against his own measure.

The yeas and nays were as follows:

YEAS.—Atherton, Atkins, Bachman, Belford, Beltzhoover, Berry, Bicknell, Bland, Bliss, Blount, Bouck, Bright, Butterworth, Cabell, Carlisle, Clardy, Clark, John B., Cobb, Coffroth, Colerick, Cook, Covert, Cravens, Culberson, Davis, Joseph J., Davis, Lowndes H., De La Matyr, Deuster, Dibrell, Dickey, Ellis, Evins, Finley, Forney, Frost, Geddes, Gibson, Goode, Gunter, Hammond, N. J., Harris, John T., Hatch, Henkle, Henry, Herbert, Herndon, Hostetler, House, Hull, Hunton, Hutchins, Johnston, Kenna, Kimmel, King, Kitchin, Klotz, Knott, Ladd, Lewis, Manning, Martin, Benj. F., Martin, Edward L., McMahon, McMillin, Mills, Morrison, Morse, Muldrow, Murch, Meyers, New, Nicholls, O'Connor, O'Reilly, Persons, Phelps, Philips, Phister, Poehler, Reagan, Richardson, J. S., Robertson, Rothwell, Samford, Sawyer, Scales, Shelley, Simonton, Singleton, O. R., Slemons, Speer, Springer, Steele, Stevenson, Talbott, Taylor, Thompson, P. B., Tillman, Townshend, R. W., Tucker, Upson, Vance, Waddill, Warner, Weaver, Wellborn, Wells, Whitthorne, Williams, Thomas, Willis, Wilson, Wood, Fernando, Wright, Young, Casey—115.

NAYS.—Aldrich, N. W., Aldrich, William, Anderson, Armfield, Baker, Ballou, Barber, Bayne, Bingham, Blackburn, Blake, Bowman, Brewer, Briggs, Brigham, Browne, Burrows, Calkins, Camp, Cannon, Carpenter, Claflin, Conger, Converse, Cowgill, Davis, George R., Davis, Horace, Deering, Dennell, Dwight, Einstein, Errett, Farr, Ferdon, Field, Fisher, Ford, Fort, Frye, GARFIELD, Godshalk, Hammond, John, Harris, Benj. W., Hawk, Hawley, Hayes, Hazelton, Henderson, Hiscock, Hooker, Houk, Humphrey, Hurd, James, Jones, Joyce, Lindsey, Marsh, Martin, Joseph J., Mason, McCoid, McKenzie, McKinley, Miles, Monroe, Morton, Neal, Newberry, Norcross, O'Neill, Orth, Osmer, Overton, Pacheco, Page, Pierce, Reed, Rice, Richardson, D. P., Robeson, Robinson, Russell, Daniel L., Russell, W. A., Ryan, Thomas, Shallenberger, Sherwin, Smith, A. Herr, Smith, William E., Starin, Stone, Thomas, Thompson, Wm. G., Townsend, Amos, Turner, Oscar, Tyler, Updegraff, J. T., Updegraff, Thomas, Valentine, Van Aernam, Voorhis, Wait, Washburn, Williams, C. G., Willits, Wood, Walter A., Yocum, Young, Thomas L.—107.

NOT VOTING.—Acklen, Aiken, Bailey, Barlow, Beale, Boyd, Bragg, Buckner, Caldwell, Caswell, Chalmers, Chittenden, Clark, Alvah A., Clymer, Cox, Crapo, Crowley, Daggett, Davidson, Dick, Dunn, Elam, Ewing, Felton, Forsythe, Gillette, Hall, Harmer, Haskell, Heilman, Hill, Horr, Hubbell, Jorgensen, Keifer, Kelley, Ketcham, Killinger, Lapham, Le Fevre, Loring, Lounsbery, Lowe, McCook, McGowan, McLane, Miller, Mitchell, Money, Muller, O'Brien, Pound, Prescott, Price, Richmond, Ross, Ryon, John W., Sapp, Singleton, J. W., Smith, Hezekiah B., Sparks, Stephens, Turner, Thomas, Urner, Van Voorhis, Ward, White, Whiteaker, Wilber, Wise—70

GENERAL GARFIELD AGAIN CHANGES FRONT.

The same day the bill as amended passed the House. On April 18, the bill with Senate amendments was reported to the House from the Committee of Appropriations, recommending concurrence in some and non-concurrence in other of the Senate amendments. April 21 McMahon, in charge of the bill, wanted the bill considered with five minutes debate. The Republicans demanded one hour and a half. They fillibustered to prevent a vote on Mr. McMahon's motion to limit debate to five minutes. April 23, bill came up again and an agreement was reached allowing the Republicans one hour and the Democrats twenty minutes. In this debate General Garfield again changed front and came to the support of the amendment of the Committee of the Whole, which was practically his amendment. He had voted against it March 20, thirty-three days before, but now he thought it was almost altogether good. He said:

> The theory of our government is that in the last civil resort we summon all men without distinction of party to act as conservators of the peace. If the by-standers, without distinction of party, can be trusted to perform this important duty, surely we can trust such as the court on its highest responsibility shall appoint to aid in securing a fair election. It ought constantly to be remembered that no one of these special deputy marshals has any power to put down a riot at the polls, unless the marshal, under his hand and seal, in writing, shall specially empower such special deputy to do that thing. And let it also be remembered that this amendment in no way interferes with the power of the marshal to appoint as many general deputy marshals as may be needed to suppress disorder.
>
> I hope I am not altogether a dreamer, forgetful of practical necessities, but I have never been able to see why this measure cannot be executed fully, thoroughly, and justly, provided its language makes it a part of the election law. My friend from Maine [Mr. Reed] has raised some doubt on that point, and in so far as that doubt is justified, it is a fair argument against the clause. But we should look beyond the mere word of the amendment to the objects of national good it may be made to accomplish. I care but little for it as a mere settlement of a present party controversy.
>
> No thoughtful man can fail to see great danger in a close and bitterly contested national election. In common with my party associates I believe that these election laws are great and beneficient safeguards to the fair and free expression of the national will. Now, if the adoption of a measure like this will harness the two great political parties to these election laws, by the bonds of common consent and mutual co-operation for their enforcement, it will be a benefit that will far outweigh any slight advantage that can be gained by retaining wholly within our party the appointment of a few officers to aid the supervisors. I believe this measure will not weaken but will strengthen the authority of the election laws, and will remove from them the only reasonable ground of complaint that the other side have made against them.

A committee of conference was appointed to which the bill went. The Senate amendments were not *political* and they were insisted upon by the conference on the part of that body. The conference disagreed. The House, April 27, insisted upon its disagreement. The bill finally passed both Houses and went to the *de facto* President, who, on May 5, returned it with his objections. His veto was based solely on the ground of opposition to legislation on appropriation bills.

GEN. GARFIELD'S AMENDMENT PASSED AS AN INDEPENDENT BILL.

On June 11 the House passed as an independent measure—the amendment to the Deficiency Bill, which Gen. Garfield, on April 23d, had declared he was so dedecidedly in favor of. The bill had passed the Senate, was reported from the House Judiciary Committee, and was discussed at some length in the House, Mr. Keifer, of Ohio, and Mr. Lupton, of New York, and other Republicans opposing it. The bill was as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act the pay of all deputy marshals for services in reference to any election shall be five dollars for each day of actual service, and no more.
>
> Sec. 2. That all deputy marshals to serve in reference to any election shall be appointed by the Circuit Court of the United States for the district in which such marshals are to perform their duties in each year; and the judges of the several circuit courts of the United States are hereby authorized to open their respective courts at any time for that purpose, and in case the circuit courts shall not be open for that purpose at least ten days prior to a registration, if there be one, or if no registration be required, then at least ten days before such election, the judges of the District Courts of the United States are hereby respectively authorized to cause their courts to be opened for the purpose of appointing such deputy marshals, who shall be appointed by the said district courts; and the officers so appointed shall be in equal numbers from the different political parties and shall be well-known citizens, of good moral character, and actual residents of the voting precincts in which their duties are to be performed, and shall not be candidates for any office at such election; and all laws and parts of laws inconsistent with this act are hereby repealed: *Provided*, that the marshals of the

United States for whom deputies shall be appointed by the court under this act shall not be liable for any of the acts of such deputies.

Mr. Hayes vetoed this bill—the same measure substantially which Gen. Garfield suggested, which he advocated but which he did not vote for.

A Deficiency Bill was passed, which was approved, providing for the payment of marshals' fees and those of their general deputies, but prohibiting any of the money so appropriated to be paid for services of special deputies.

THE PACIFIC MAIL STEAL.

GARFIELD'S PART, AS SHOWN BY THE RECORD.

In the winter and spring of 1871–2, the Pacific Mail Steamship Company sent Richard B. Irwin to Washington to buy through Congress a subsidy for an additional monthly mail service between San Francisco, Japan and China. By an act approved Feb. 17, 1865, Congress provided for a monthly mail service between San Francisco and some Chinese ports, including the port of Honolulu and a port in Japan, to be performed by American steamships of not less than 3,000 tons burden each, of sufficient number to make twelve round trips per annum. The project of the Pacific Mail Steamship Company in 1871–2 was to have Congress provide for additional monthly service, or, in other words, double the mail service between San Francisco, Japan and China, and double their subsidy. Irwin came to Washington in January, 1872, took a large furnished house, employed a caterer, a French cook, and a large retinue of servants, and began to feel the ground by giving a series of elaborate entertainments to members of Congress. Of course, the first important object of this preliminary survey of the field of operations was to establish friendly relations with the leading men of the Committee of Appropriations of the House of Representatives. The two leading members of that committee were James A. Garfield, the chairman, and Aaron A. Sargent, who was second on the committee. Sargent, coming from California, was naturally the friend of the Pacific Mail and earnestly in favor of the largest possible subsidy for the China mail service. He was, moreover, well known to Irwin, who for some years previous had been in charge of the Pacific Mail interest at San Francisco. Irwin had another old friend in Washington whose services in the undertaking were very valuable. This was Donn Piatt. He was the particular friend of James A. Garfield, and had for several years done a profitable business as a lobbyist, through his influence with the Chairman of the Committee on Appropriations. He was at that time in receipt of 5 per cent. of the gross amount of whatever appropriations he could obtain for a worthless moth preventive and water-repellant process owned by George A. Cowles & Co., of Philadelphia, and used, against the wishes of the War Department, in treating soldiers' clothing and tents. Col. Richard C. Parsons, of Cleveland, Ohio, then Marshal of the Supreme Court of the United States, the same individual employed by Chittenden, the agent of DeGolyer & McClellan, to reach Gen. Garfield, was an old acquaintance of Mr. A. B. Stockwell, President of the Pacific Mail Steamship Company. Stockwell employed Parsons to assist Irwin in Washington, and he was paid, first and last, $13,500, of which $1,500 came through Irwin.

PROVIDING THE SINEWS OF WAR.

The ground having been felt by Irwin, and the preliminary arrangements made, the serious operations began. The executive committee of the Board of

Directors of the Pacific Mail Steamship Company held a meeting Feb. 14, 1872, in New York, and passed the following resolution:

> *Resolved*, that the President, in his discretion, is hereby authorized to employ counsel and incur such other necessary expense as may be necessary in connection with the measures for additional subsidy now pending before Congress.

On Feb. 21, 1872, this resolution passed by the executive committee was, at a meeting of the board of directors, approved and ratified.

A. B. Stockwell, the President of the Pacific Mail Steamship Company, wrote to R. B. Irwin as follows:

> OFFICE OF PACIFIC MAIL STEAMSHIP COMPANY,
> New York, Feb. 13, 1872.
>
> *Dear Sir:* I enclose checks to my order indorsed to your order for $250,000, $110,000 and $40,000, which are placed in your hands to be used in payment of your services in case of the passage and approval by the President of the bill or amendment providing for the increase of our China mail service to semi-monthly trips, with a subsidy of $500,000 a year for ten years, said compensation to be reduced pro rato in the event of a reduction of the amount appropriated as above. None of these checks to be used by you, but all to be returned to me in the event of failure, excepting only the last named ($40,000), all or any portion of which you may apply, if actually required, for your necessary expenses and for counsel's fees. Very respectfully yours,
>
> RICHARD B. IRWIN, Esq. A. B. STOCKWELL.

To which Irwin in substance replied that his understanding was that the contingent amount was to be $500,000 and that at the proper time he would call upon him for checks for the additional amount. Mr. Stockwell subsequently wrote as follows to Irwin

> OFFICE OF PACIFIC MAIL STEAMSHIP COMPANY,
> New York, May 4, 1872.
>
> *Dear Sir:* Yours of the 3d to hand. We are much encouraged by the result yesterday, were it not for the demands to-day. When we were defeated in the "House," you said to me there was *some good to come of it;* that if we did get our bill *it would cost less.* I don't think it wise for the company to give their checks in this matter. Notwithstanding, I *now* enclose the four checks for $100,000 each, as you desire, but if they must be used, I would prefer my checks to be substituted for these, but, as I say above, I *send them* because I want to do everything to insure success. Of course, you will return me *my checks* for $250,000, previously sent you.
>
> Mr. R. B. IRWIN. Yours, very respectfully, A. B. STOCKWELL.

Mr. Irwin retained one of these $100,000 checks of the Pacific Mail Steamship Company, together with the $40,000 check of Feb. 13, 1872, given by Mr. Stockwell. On May 24, 1872, Mr. Irwin, in New York city, returned the personal checks given by Stockwell Feb. 13, and subsequently to the amount of about $560,000, and received then or subsequently checks of the Pacific Mail Steamship Company, payable to his order, for $750,000. The arrangements all made in Washington, the sinews of war supplied, the business of buying the required legislation went forward, not without opposition, but successfully. Everything at least seemed so favorable that the jobbers had determined to increase their demands, and after getting through the Committee of Appropriations the item of $500,000 a year, they determined to increase it in the House to $1,000,000 a year. They were, however, defeated by the narrow margin of *eight* votes. The increase was susbequently made in the Senate, and Gen. Garfield did his best to have the House concur, but failed. The proceedings in the House summarized from the *Globe* will tell the story in detail.

HOW THE MONSTROUS STEAL WAS PUT THROUGH.

The Post Office Appropriation bill was reported to the House Jan. 18, 1872. It did not contain an item appropriating $500,000 per annum for additional monthly mail service between San Francisco, Japan and China for ten years. Gen. Garfield, from the Committee of Appropriations, offered that item as an amendment to the bill. On March 12, in advocating this amendment reported by the Committee of Appropriations, he said:

> Mr. Chairman: I do not doubt that the word subsidy is a hateful one to the American mind. It is a word which brings to my mind ideas not altogether compatible with my sense of the dignity and freedom of our institutions. *When the pending proposition was first suggested to the Committee*

on Appropriations, all the sentiments I had entertained and cherished on the general subject to which it relates inclined me to oppose it. But the subject being properly and legitimately before the committee, I was bound to consider it; *and after a careful study of the facts in the case I have reached the conclusion that it is my duty to support the amendment.* I shall try in the few moments given me to state some of the reasons which led me to that conclusion. In doing so I do not abandon my general sentiment of opposition to granting subsidies by the government, for generally they are invidious and partial, and help one class of citizens at the expense of the rest; but I believe there are special and exceptional facts connected with the trade of the Pacific ocean which we cannot, in view of the situation, safely neglect.

Let me say, Mr. Chairman, that all the great achievements of civilization from the remotest period have been grouped round one of the great seas. The Mediterranean sea was the center round which the great civilization of the ancient nations were grouped, and the great event which marks the boundary between ancient and modern history was the passing from the Mediterranean to the Atlantic ocean as a centre of commerce and art. When the current of European life turned from Athens, and Rome, and Carthage, the coasts and islands of the Atlantic ocean became its new center of activity. On the ocean the great forces of modern civilization have been playing for a thousand years.

But I venture the prediction, Mr. Chairman, that in the near future the other great theater of commercial activity, the third and last in the history of the world's work, will be the Pacific ocean; and just now the whole current of public thought, the whole current of public and national activity is turned towards that great sea, and the momentous question is, who shall be its master?

We have never possessed, and can hardly hope to possess, the control of the Mediterranean sea; and the sad events of the last twelve years have led me to fear that we have lost, perhaps irretrievably lost, the control of the Atlantic ocean—the great historic sea of to-day. Our hope is in the great historic sea of the future. If we lose that it will be a lasting disgrace to our statesmanship and a measureless calamity to our people. We now occupy the largest and noblest portion of its western shores. Our islands in the northwest reach more than a thousand miles of the distance from this continent to Asia.

ALL FOR THE PACIFIC MAIL STEAMSHIP COMPANY.

We have already established the only line of steamers that ply between the oldest of the empires and the youngest of the great nations. Six hundred millions of human beings that live on the western border of that sea are looking to us for commerce, for science, and the arts. We are their nearest eastern neighbor, and they now ask our friendship, seek our shores, and offer to pour their commerce in our lap. At this critical and interesting moment we are in danger of losing our grasp upon the commerce of that great ocean. The other maritime nations are ready to snatch the prize from our hands unless we at once secure it. The increased service provided by this amendment will hold the trade in our hands, and put it on a basis where it will soon grow to independence, so that no further aid will be needed.

Never has there been a time in the history of any nation when such a prospect was opened, when such a future was clearly attainable. For these reasons, I am ready to make an exception in this case, and to do what I can to make the commerce of this great ocean our own, and to make our country the teacher, the guide and friend of the great peoples of Eastern Asia. This measure can be no precedent for the score of schemes now pressing for recognition, for it stands alone in the greatness and importance of its consequences. (*Cong. Globe, 2d sess., 42d Cong., part* 2, *p.* 1620.)

TRYING TO MAKE THE STEAL $1,000,000.

On March 12th, Mr. Conger (Republican) of Michigan moved an amendment increasing the subsidy for this service to $1,000,000 a year for ten years, which would have made the subsidy to the Pacific Mail Steamship Company $1,500,000 a year. Gen. Garfield, in the Committee of the Whole, March 20, advocated this amendment, but it was rejected. The same day the bill passed the House. The vote was 101 to 30. The yeas and nays were not called. It went to the Senate, where the subsidy was increased to $1,000,000 a year. The bill came back to the House May 8th. It was referred to the Committee on Appropriations. Gen. Garfield reported the bill back to the House May 21st, recommending concurrence in the Senate amendments, including the one increasing the subsidy to the Pacific Mail Steamship Company to $1,000,000. There was a hot debate on the motion to concur. In the course of the debate Mr. Randall of Pennsylvania and other members denounced the Committee on Appropriations for recommending concurrence in the Senate amendments. The following debate followed:

THE MEREST AND MEANEST SUBTERFUGE.

Mr. Garfield of Ohio: I do not intend to re-argue this question, but I wish to answer some of the objections which have been raised this morning. In the first place, the gentleman from Pennsylvania (Mr. Randall) says that the Committee on Appropriations ought not to have brought into this House a proposition which had been rejected here. I answer him that we have not brought back a rejected proposition, but one quite different in its terms and conditions from the proposition which was acted on in the House. The difference is this: the House simply proposed to double the service and double the pay. The proposition was defeated by a very small vote. It was a proposition to give to the one company now doing the work double pay for double work. The objection was raised by many gentlemen around me that it was giving it to a single company without any competition or without opening the matter to the enterprise of the country. The proposition of the Senate is different. It offers an open bid in open market to the lowest bidder to do the work, and thus takes the case entirely out of the range of a mere monopoly, giving it to one special company.

A VERY PERTINENT QUESTION.

Mr. Ambler: Will my colleague yield to me for a question?
Mr. Garfield: Certainly.
Mr. Ambler: I would inquire of my colleague whether it is possible that within sixty days another company can be organized to compete with this company?

A WILLFUL FALSEHOOD.

Mr. Garfield: I suppose it could.
Mr. McCormick of Missouri: I understand this is to be open to competition.
Mr. Garfield: It is; all parties are free to sail in. In the second place, a very considerable restriction is to be placed upon whatever company takes the service; they must build their ships so that the Secretary of the Navy may be satisfied that they will be fitted for naval service in time of war. They must be built to be approved by him.

A SHOT BELOW THE WATER LINE.

Mr. Randall: *The gentleman knows very well that there will be only one bidder for this service.*
Mr. Garfield: If this is done, an additional line must be kept up between Panama and New York. That will be an additional service, more than was provided for by the proposition of the House. I answer the gentleman from Pennsylvania (Mr. Randall) by saying that this is another and different proposition, one far more favorable to the United States and the interests of commerce than the proposition which failed here in the House by only *two votes*.
Mr. Randall: BY EIGHT VOTES.
Mr. Garfield: And the Committee on Appropriations felt bound to give the House an opportunity to act upon this proposition of the Senate, after pointing out the differences between the two propositions.

MORE SUBTERFUGE.

My colleague (Mr. Stevenson) asked a question intended to raise another objection to this proposition. He said: Would you be willing to subsidize a line of steamers on the Mississippi river? Let me tell my colleague what we have done for the Mississippi river within the last few days. Under the laws hitherto passed by Congress in relation to the coasting and internal trade of this country, we have an absolute monopoly, unrivalled by any foreign keel along our coast and upon our navigable rivers. No foreign keel under a foreign flag can float at all upon those waters in competition with our commercial marine. And to make it still stronger for our interests, during the last week this House, under the lead of the gentleman from Indiana (Mr. Holman), made absolutely free of duty all material that enters into the construction of river steamers on all the navigable waters of this country.

MAKING USE OF IRWIN'S STATISTICS.

Now, one other fact, and I will leave this subject. The latest reports show these facts: the merchandise exported from San Francisco to Japan, from January 1 to April 30, 1870, was $411,000. For the corresponding period of this year, ending with the month of April just past, it was $780,000; almost doubled in one year.
Mr. Morgan: If this commerce is increasing at this rapid rate, why the necessity of a subsidy to support this line?
Mr. Garfield: I thank my colleague (Mr. Morgan) for that word, for otherwise I should have forgotten one thing I desire to state. Within the last week the London *Times* comes to us, informing us that a British company is ready, the moment they can set their competing line on the waters of the Pacific, and to establish a trade there, and to put on a large number of steamers between Japan and San Francisco. And unless we seize the occasion just ready to be shut up so that we will not be able to seize it at all, the work will be in the hands of England, and not in our own.

MR. RANDALL POURS IN HOT SHOT.

Mr. Randall: Mr. Speaker, *I charge that this amendment is a miserable subterfuge. The result of the original House proposition and of this amendment of the Senate, will be the same. It is a mere equivocation of language unworthy of Congress and of the gentlemen who advocate it.* I charge more: that this line, having already received an enormous bounty from the government, and being already in a prosperous condition, has no right to come here and ask for $500,000 more a year, making in all $1,000,000, when the mail service proposed is in no measure required by the commerce of the country. *I say more, that agencies disgraceful to Congress have been employed by people outside of this hall, and by members in it, in favor of this line.*

MR. RANDALL INDICATES THE DISGRACEEUL AGENCIES.

Mr. Sargeant: State what they are.
Mr. Randall: Undue advocacy of it, in season and out of season.
Mr. Sargeant: What efforts does the gentleman refer to? I want to understand him distinctly.
Mr. Randall: Efforts of people outside of this hall and in it, who I believe are interested—
Mr. Sargeant: Doing what?
Mr. Morgan: A hired lobby, working to carry the measure through.

MR. RANDALL OFFERS THE PROOF.

Mr. Randall: I say, and will stand by it, and if you propose a committee of investigation I will undertake to prove it
Mr. Sargeant: All right.
Mr. Morgan: I am ready to back it. The thing will not bear investigation.

Mr. Sargeant: Allow me to ask what is the specific thing charged. When we ascertain that it will be time to investigate.

Mr. Randall: I say, sir, that undue influences—I will go further and say that what I believe to be wicked influences—have been used to induce Congress to unnecessarily, unwarrantably and unjustifiably increase this appropriation. I say this, knowing the language I use and comprehending its full purport. (*Cong. Globe, 2d sess. 42d Cong. part* 5, *p.* 3673.)

Mr. Holman of Indiana: I move to amend the Senate amendment by striking out the clause providing for an additional monthly mail, and to insert the following: "For the conveyance of a monthly mail on said route at a compensation not to exceed $500,000 a year."

The yeas and nays were called on this proposition. GEN. GARFIELD VOTED NO! The amendment was rejected. (*Ibid, p.* 3679.)

The amendment of the Senate was rejected. GEN. GARFIELD VOTED FOR IT. (*Ibid, p.* 3680.) This occurred May 27.

A new committee of conference was asked of the Senate. The House appointed its conferees. The Senate receded. The report of this second conference the Senate amendment receded from was adopted May 27. The bill was approved June 3, 1872.

The Senate also put on an amendment providing for a subsidy to a mail steamship line to Brazil. Gen. Garfield voted for this subsidy amendment also, but the House rejected it and the Senate had to yield.

WHAT MR. RANDALL DID.

Mr. Randall was always ready to prove the truth of his charges made as above quoted, but no opportunity was given him. Finally, in another investigation, LeGrand Lockwood, of New York (whose evidence convicted Charles Sherman, a United States district judge—a brother of John Sherman—of corrupt practices before Congress, and who resigned to escape impeachment), testified that a large sum of money had been used to secure the passage of the Pacific Mail subsidy. Then, in the midst of the Credit Mobelier excitement in the House, when the Republican majority was terribly demoralized, Mr. Randall offered the following resolution, which was passed February 20, 1873:

> *Whereas*, In the testimony taken before the Ways and Means Committee of this House, in reference to certain matters committed to said committee for investigation, it has been sworn by LeGrand Lockwood, of New York city, that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the matter of a subsidy for the transportation of mails and other purposes; therefore,
>
> *Resolved*, That said Committee on Ways and Means are hereby authorized and directed to make full inquiry into the truth or falsity of said sworn statement, and to this end the said committee is hereby authorized and directed to send for persons and papers, and generally to exercise such powers and discretion as will be necessary thereto.

A FARCICAL INVESTIGATION.

The Committee of Ways and Means pretended to make the investigation it was directed to make by the above-quoted resolution. It was a farce. They called four witnesses, three of whom testified to the rumors they had heard, one of them to his conviction that money was used by the Pacific Mail Steamship Company, and to being approached by a member of Congress on the subject of money in connection with the Brazilian Steamship line. These three witnesses all indicated that R. B. Irwin was the man the committee wanted, if it wanted to know anything. But the committee made no effort to find Mr. Irwin, who was then at his residence in San Francisco. Not one of the officers of the Pacific Mail Steamship Company were called. Their books and papers showed the payments of the large sums of money heretofore given. The Republican members of the committee attempted to excuse themselves for their failure to prosecute the inquiry, by making to the House false statements about their efforts to find Mr. Irwin. They turned the evidence of the four witnesses examined by them over to the House, and asked that it be sealed up and retained by the clerk. They would not even allow it to be printed. They fondly hoped this would be the last of it. The Forty-second Congress would expire in a few days.

The Forty-third Congress assembled on the first Monday of December, 1873. James G. Blaine was elected speaker. He reappointed the same gentlemen, including those who had been smirched by the Credit Mobelier investigation of the previous Congress, chairmen of the same important committees. Mr. Dawes was continued Chairman of the Ways and Means. The same Republicans who had been members of the committee and re-elected to the Forty-third Congress were put back on the committee. But not one of them proposed to revive the Pacific Mail investigation. A whole year elapsed and no investigation was made. The first session of the Forty-third Congress expired, and still no further inquiry.

The last Republican House was, however, not to escape that responsibility. Richard B. Irwin was in New York and in the service of Jay Gould. He desired, for stock jobbing purposes, to have this investigation revived. Irwin began to furnish Jay Gould's newspaper, the New York *Tribune*, with some very interesting reading matter. His first letter was published December 10, with an editorial which was as follows:

A HALF MILLION STEAL.

> The first of the jobs makes its appearance at the capital early, and, we regret to say, in one of Gen. Garfield's surprisingly prompt appropriation bills. We beg the General to relieve himself and his committee from the responsibility for it at once. * * * A correspondent thoroughly well informed traces in detail, in another column, the various steps of the robbery. Let us here reproduce the outline.
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> The Pacific Mail was in the enjoyment of a subsidy of $500,000 per annum. Mr. Stockwell, one of its numerous retiring presidents, succeeded in getting a law authorizing $500,000, on condition that enough new first-class iron steamers should be placed on the line to do the mail service by the first of October, 1873. The company failed to get them on by that time, has not yet got them on, and has only two of them, the Tokio and City of Peking, even built. The Postmaster-General reported this failure to Congress in December, 1873. Congress thereupon *made no appropriation* for the subsidy, and the bill itself only escaped repeal because of the view, generally expressed, that the company's failure to comply with its terms made it null. Congress being out of the way, Attorney-Gen. Williams was appealed to for one of his opinions. He conveniently decided that the failure of a year or two, more or less, made no difference. Postmaster-General Jewell, new to the duties of his office and easily imposed upon in matters of routine, has been induced to estimate for the extra $500,000 subsidy, as if it had been earned, and Gen. Garfield has promptly reported it to Congress in the Postal Appropriation Bill.
>
> We call upon every friend of honesty in the public service to watch this job and to resist it from the outset. We are unwilling to believe that either Governor Jewell or Gen. Garfield could have been aware of its nature, but after this exposure there can be no decent pretext for continuing the claim.

WHAT GARFIELD DIDN'T AND WHAT HE DID DO.

Of course, after this direct impeachment of his motives—made with full knowledge of his connection with the passage of the subsidy bill in June, 1872—his remarkable conversion from an anti-subsidy to a pro-subsidy Congressman—Gen. Garfield at once demanded an investigation. Not by any means. He did not even propose that that old inquiry, began away back in February, 1873, should be revived! What did he do?

On December 11, 1874, Gen. Garfield had the editorial article from the *Tribune* read by the clerk of the House and made a personal explanation! In this personal explanation he threw the responsibility for the appearance of the $500,000 subsidy item in the Post Office Appropriation Bill upon a sub-committee of his committee, which had been at work during the recess preparing the bills. He deplored the fact that a great journal made such a serious charge so recklessly, and said it only showed the facility with which and on what slight grounds men in public life are charged with unworthy motives and dishonorable conduct. Then he sat down. He asked for no investigation. None of his colleagues did. But Mr. Irwin obeyed Jay Gould's instructions, and his paper, the New York *Tribune*, continued to let scraps of information about the purchase of the subsidy legislation in 1872 find their way, apparently mysteriously, into its columns.

FORCED TO INVESTIGATE.

The fire grew so hot that something had to be done, and the Committee on

Ways and Means began its long-deferred inquiry. They struck bare rock the first day. Two directors of the Pacific Mail Steamship Company were examined, and they told what the books of the company showed—the expenditure of $750,000 of the company's money by Mr. Irwin. Then the committee went through the farce of asking the House to order Irwin's arrest on the theory that he was a witness in contempt, when the truth was he had never been subpœnaed. This is the neat way Mr. Irwin went for the committee when brought before it:

> Before the committee put any questions, I should like to make a preliminary statement, in order to purge myself of the alleged contempt. There seems to be two grounds for my arrest by the committee—two grounds which formed, in the minds of the committee, the basis for the alleged contempt. The first was, that they had once summoned me during a prior session of Congress, and had looked for me and could not find me. Now the first information that I received that I had ever been summoned was from reading Mr. Dawes' speech in the House the day after it was made. Until I read that I never knew that I had been summoned at all.
>
> The Chairman (Mr. Dawes): Well, it was not literally true that you had been summoned, but we had tried to find you. [*What a humiliating confession!*]
>
> Mr. Irwin: I was at my residence in San Francisco from the 4th of June, 1872, until the 4th of September, 1873. [*The Ways and Means Committee was supposed to be looking for him in February*, 1873.] I have lived in San Francisco since 1869, and have had no other place of residence. I was there from June, 1872, until September, 1873. I merely state that to show that by remaining at my place of residence I could not have been attempting to evade the process of the committee. * * * Then the second ground upon which the committee was induced to believe (what I could not very easily be induced to believe) that I was attempting to evade the process of the committee was the assertion of Mr. Sage that he had had me arrested, which assertion I may just as well say here was not true. * * * I never was arrested by anybody until I was arrested by the sergeant-at-arms, under the warrant of the House, and my impression is that I never shall be arrested by anybody again. * * * I arrived in New York on Monday, November 30, 1874, and went directly to the Hoffman House, where I always stay in New York. My name was registered there and appeared in all the newspapers. I then went to my father-in-law's place at Englewood, New Jersey, leaving my address at the Hoffman House, and remained there until the following Friday morning. The following Friday morning I again came down to New York, and went to the Hoffman House again, and my name being again registered it appeared a second time in the newspapers very publicly. For instance, one of them had it in this way: "Speaker J. G. Blaine and R. B. Irwin of San Francisco are at the Hoffman House." I merely mention that my name was announced in this way to show how public it was. Mr. Whitelaw Reid, the editor of the *Tribune*, and Mr. L J.Jennings, the editor of the *Times*, were personally aware of my address during almost the whole of this period. Everybody else in New York that knew me, or had any occasion to see me, knew where I was. * * * Now I think I have said enough to satisfy the committee that I have made no intentional attempt to evade its summons.

THE RESULT OF THE INVESTIGATION.

The investigation went on in a sort of way, and the committee found out a good deal more than it wanted to find, but not nearly so much as the public wanted and expected to have found out.

All the committee practically did find was that Mr. Irwin got $890,000 from the Pacific Mail Steamship Company, and that he disposed of it as follows:

Total paid to different individuals	$703,100
Incidental expenses, clerks, House expenses, etc	186,900

W. S. King, Postmaster House of Representatives, was examined at the farcical investigation by the Ways and Means Committee, in the Forty-second Congress, and swore he never received a dollar or knew of anybody who did. He was not found by the committee of the Forty-third Congress. John G. Shumaker, member of the Forty-second Congress, would not account for the money he received.

In addition to the money disbursed, A. B. Stockwell paid Col. Richard Parsons $12,000 as fees and expenses. There was some evidence, and more might have been found if it had been looked for, showing that Parsons disbursed a great deal of money for Stockwell, independent of Irwin. Whitelaw Reid testified that Irwin told him Parsons distributed about $300,000. Everybody who knows anything of Irwin, or of the manner of doing business at Washington, knows that the vast amount of money he disbursed was not for those who appear to have received it, save in a few instances. At least $600,000 of the $890,000 Irwin disbursed went to members of Congress, and, in addition, probably $200,000 was put there also by Parsons.

THE MOTH SWINDLE.

A NICE THING FOR GARFIELD'S FRIENDS.

Gen. Garfield, as Chairman of the Committee of Appropriations, was always superserviceable to those in authority or to his friends, in advocating any and all questionable jobs which they recommended or advocated. Of course, he was not always dishonest in the advocacy of such measures. He may have been imposed upon sometimes. The men who used him were greedy creatures, and not disposed to divide, unless they could not succeed in any other way. It has been proved beyond doubt that in the core of the District of Columbia Ring Gen. Garfield was rewarded for his services to the men who so shamelessly plundered the government of the United States and the people of the District; that his zeal in that service became conspicuous after he was retained for DeGolyer & McClellan, and by a word spoken at a casual meeting between himself and Boss Shepherd, obtained for his clients a contract worth $700,000. The discovery of his connection with that fraud was purely accidental. Had not one of the parties interested, by purchase after the transaction, had a motive for disclosing the knowledge he acquired, as part of his purchase, in all human probability the discreditable disclosure would never have been made.

One of the worst swindles he assisted in practicing upon the government was Cowles & Brega's Moth Preventative and Water Repellant Process, for which, during four years $450,000 was paid. According to the account of Don Piatt, who claimed to be chiefly responsible for this fraud, one George W. Brega, in the spring of 1871, was in Washington lobbying in the interest of a reciprocity treaty with Canada and the St. Croix land grant railroad job, proposed to get a contract with the war department for one George A. Cowles of Philadelphia, to treat army clothing, blankets, tents and material for the same with a patent process which would prevent moths from cutting the same and make canvass for tents waterproof. Piatt said that Brega was a very disagreeable sort of a fellow in many respects, but enthusiastic, persistent and loquacious. He had made no progress whatever with either the Quartermaster-General or the Secretary of War. After relcutantly looking into the matter, Piatt said he was satisfied it was a good thing, and he undertook to remove the objections of the obstructing officials. Cowles had been making tests and getting certificates as to the efficacy of his process, and Piatt swears "my appeal in his behalf on that ground obtained a contract" The first contract was for $20,000. The next year, 1872–3, there was an appropriation in the deficiency bill for $50,000, with an addition of $150,000 in the Army Bill. For the following year, 1873–4, there was, without any recommendation of the Quartermaster-General, appropriated "for preservation of clothing and equipage from moth and mildew, $200,000, which shall be available immediately." "Shall be available immediately" meant that Cowles & Co. need not wait till the beginning of the fiscal year, but could draw the money forthwith. The last appropriation was made for the fiscal year 1874–5, and was for $30,000.

In 1872 Captain C. A. Alligood, the Quartermaster in charge of Schuylkill Arsenal, an honest and upright man, an honorable and efficient officer, examined carefully the cloth and clothing stored there, and found that the process was worthless so far as protection against moths was concerned. He was led to make this examination by discovering accidentally that moths were cutting cloth which had been treated by Cowles & Co.'s process. Thereupon he had the entire stock of goods and clothing at that depot overhauled, and found that the moths worked as freely upon the treated stock as upon that not treated. He reported these facts to the Quartermaster-General October 16, 1872. All the interested parties were at once informed of this report, and forthwith there was a gathering in Washington. There was a board of some kind fixed up and a pretended examination made. Alligood was ready to substantiate by irrefragible evidence the facts stated in his report, but no opportunity was given him. He was forthwith ordered away from the Schuylkill Arsenal against the protest of Simon Cameron, and sent South where he would not be troublesome to the so-called moth destroyers. All this was not kept entirely from the public. Some of the facts leaked out and found their way to the press. There was a good deal said about this particular swindle, and at the succeeding session of Congress the job did not get through without opposition. The correspondent of the Cincinnati *Commercial* denounced it as a job; spoke of Don Piatt's connection with it, and intimated very plainly that Garfield's zeal in behalf of the job was not altogether disinterested. He said:

AN INDEPENDENT VIEW OF THE BUSINESS.

> A thrifty firm, sailing under the name of Cowles & Brega, have for some time past had a contract with the government to apply a process, which they own, to the preserving of army clothing, cloth, etc., from moths. The process does not preserve cloth from moths. It never did. Some two or three years ago, when it was first decided to try it, Congress appropriated some fifty thousand dollars for the purpose, and in the succeeding year, one hundred and fifty thousand dollars. Notwithstanding the fact that the process is a failure, and so recognized by all who have impartially examined into its workings, the Quartermaster-General and the Secretary of War have by some means steadily indorsed it and its appropriations. This last year the firm came to Congress, asking an appropriation in the army bill of $300,000 for the use of their process during the coming year. Of course, they went before Garfield's committee. Don Piatt is a member of the firm of Cowles & Brega, a silent partner. Heretofore, this appropriation has gone through the committee unquestioned, which might, to a wicked man, seem to be a singular thing. This year, however, some of the facts in regard to the worthlessness of the process having come to the knowledge of members of Congress, word was sent to the committee, and Cowles and Brega were compelled to appear, and show cause why the appropriation should be made. Piatt was on hand, but quietly and modestly, making no speeches nor argument, but pulling such things as he could lay his hands on unostentatiously. After a short discussion, a hurried and incomplete investigation, in which Cowles and Brega alone had a chance to be heard, the committee decided—"to throw out the item and end the swindle"—by no means, my friends! They decided to reduce the item one-third, and instead of giving the concern $300,000, as was asked, they gave $200,000. Of course, Don Piatt, who is virtuous, had no motive for keeping on the right side of the chairman of the committee, who was to pass upon the merits of his firm's contracts. No more had Garfield, though rather needing newspapers friends, any motive other than the best in the world for passing favorably upon such a contract when he knew it was very doubtful in its nature. No! Such things may not be, and overcome us like a summer's cloud.

WHO CALLED A HALT AND WHY?

This so-called moth-preventing and water-repelling business went along swimingly until one day Don Piatt found out that he wasn't getting what he considered was his fair share of the stealings. The firm of Fant, Washington & Co., bankers, Washington, D. C., drew the money for Cowles & Brega, placed Piatt's share to his credit on their books and remitted the balance to Cowles & Co., as per their orders. Piatt appears to have had a good deal of this sort of thing to attend to, besides running a Sunday newspaper, and paid no attention to his dividends other than to check against his account at Fant, Washington & Co's. He supposed he was drawing about $10,000 a year from the business, and thought that was about all he was entitled to. One day, however, in conversation with Mr. Fant he learned, very much to his surprise, that he was entitled, as he believed, to a good deal more. He was getting 10 per cent. of Cowles & Brega's individual shares, which was 5 or 6 per cent. of the gross appropriations, but he swore he was entitled to 15 per cent. of the whole amount. He demanded that of Cowles, who wouldn't come down, whereupon Piatt did two things. He wrote immediately to Gen. Garfield, telling him to telegraph to Belknap, Secretary of War, and he went to Belknap and told him the whole business was a beastly corrupt business, and Cowles & Co. must not have another dollar. Of course, Piatt was virtuous. He asserted that Cowles told him that there was a thing or two about the business which he would not impart to another human being except Brega, and, therefore, he could not render Piatt an account of their profits. This was in August, 1874, and there were only $30,000 to be drawn that year by Cowles & Co. The job was petering out. It was not likely that the swindle could be successful another year. The Credit Mobilier exposure had made Congressmen a little merry, and the correspondents at Washington were firing a round shot every once and a while at the moth fraud. It was rather a cheap way, therefore, of being virtuous—going to the secretary and warning him not to pay Cowles & Co. any more money.

GARFIELD'S CORRESPONDENCE WITH BELKNAP.

Belknap notified Cowles & Co of the charges preferred against them, and temporarily suspended their operations. Gen. Garfield, by Piatt's instructions, immediately telegraphed Belknap as follows:

LITTLE MOUNTAIN, Ohio, Aug. 7th, 1874.

HON. W. W. BELKNAP, Secretary of War:

I hope you will stand firmly by your order, suspending further work by Cowles & Brega.

J. A. GARFIELD.

To which Belknap replied:

WAR DEPARTMENT, WASHINGTON, D. C., Aug. 8th, 1874.

HON. J. A. GARFIELD, Little Mountain, Ohio:

On an intimation from one of the parties supposed to be interested in the process that there was a fraud therein, I ordered that no more payments should be made at present. Verbal notice of appeal for reconsideration of that decision has been given me. If you desire me to stand by that decision, please give me such facts as will enable me to do so.

H. W. BELKNAP,
Secretary of War.

Gen Garfield, on August 24th, wrote the following letter to Belknap:

LITTLE MOUNTAIN, Ohio, Aug. 24th, 1880.

Dear Sir: I owe you an apology for so long neglecting to answer your request of the 8th instant, in reference to subject matter of my telegram of that date.

The ground on which I recommend you to stand firmly by your order suspending work of Cowles & Brega was this: I heard that these men alleged that they paid money to procure the appropriation for treating army clothing by their process. If their statement be true they ought not to be paid a dollar out of the treasury for any purpose. If it be false, they are slanderers of the government, and ought not to receive any of its favors. I don't believe that they paid anything for any such purpose. If they had not said so, I would withdraw my telegram; but if they have said so, I am in favor of making them prove what they have said. This is all I know on the subject. If you have any further intelligence on the subject, I shall be very glad to know it.

Very truly yours, J. A. GARFIELD.

HON. W. W. BELKNAP, Secretary of War.

WAR DEPARTMENT, Sept. 8th, 1874.

Dear General: I have the honor to acknowledge the receipt of your letter of Aug. 24th, relative to the Cowles & Brega preserving process, in which you state that you heard that these men alleged that they paid money to procure an appropriation for the preserving of army clothing by their process.

Since that letter was received I have examined into this matter, and Messrs. Cowles & Brega have filed an affidavit denying that they have made any such statement. I therefore revoked my former order, and substituted the following in its stead: "Respectfully returned to the Quartermaster-General. The order of the 20th of July, directing 'that no more money be paid from old or new appropriations on account of what is known as the Cowles process for preservation of cloth, &c., until further orders, is hereby revoked, and the Quartermaster-General is directed to select three officers of his department to comprise a board for the purpose of inspecting all the materials at the Schuylkill Arsenal which have been treated by the process above named; report to be made as to the condition of such materials, and whether the benefits claimed for this process have been fulfilled with respect thereto. No further payments to be made or work done in the various preserving processes till the results of the report of the board are made known. These papers to be returned as soon as practicable." Yours truly,

W. W. BELKNAP, Secretary of War.

GEN. JAMES A. GARFIELD, Little Mountain, Ohio.

Don Piatt swore that he did not tell Gen. Garfield that Cowles & Brega told him "that money had been expended to procure appropriations."

Q. You stated to Gen. Garfield just what Mr. Cowles had told you? A. I think so.

Cowles & Co., in their affidavit that Belknap mentions in his letter to Gen. Garfield, say that Don Piatt made his demand "for money beyond what he had received," June 28, 1874. Of Gen. Garfield's telegram they say:

"As to Gen. Garfield's telegram, it contains no evidence whatever, and we can prove that on the 16th or 17th of July last Mr. Cowles heard that Mr. Don Piatt stated he (Piatt) had telegraphed to Gen. Garfield to telegraph the Secretary of War to suspend our work. Gen Garfield's telegram is dated the 7th of August. It is evident that Gen. Garfield acted under the misrepresentations of Mr. Don Piatt."

Capt. C. A. Alligood, when on his way South, where he was ordered after his removal from the Schuylkill Arsenal, stopped in Washington and called upon Don Piatt, and told him all the particulars of his removal and the real character of the frauds practiced by Cowles & Brega, and the utter worthlessness of their process. This circumstance Don Piatt admits in his evidence before the Clymer committee, but he suppressed the important facts Capt. Alligood told him. This was in the Summer of 1872. Mr. Piatt did not call upon the Secretary of War then and denounce Cowles & Brega, and have justice done to a worthy officer, who was being persecuted for his fidelity to the interest of his government.

THE PROFITS AND WHERE THEY WENT.

Mr. H. G. Fant, of the firm of Fant, Washington & Co., the bankers, and Cowles & Co., produced their account to show the money they had received from the government through his house.

Amount collected by Fant, Washington & Co., agents of G. A. Cowles & Co., between February or March, 1872, *to July or August*, 1874.

From the Army, Navy and Ordinance Department, $403,875.00, distributed as follows:

G. A. Cowles & Co., manager, expense account	$41,374.18
G. A. Cowles & Co., army account	63,525.10
G. A. Cowles & Co., individual account	92,570.99
George W. Brega, individual account	92,570.99
L. H. Bacon, of Hartford, Conn.	57,934.26
Victor Vicrow, of Philadelphia	28,967.13
Donn Piatt	22,934.35
Commissions to Fant, Washington & Co., per cent.	3,998.00
Making the total amount received from the government	$403,875.00

According to this distribution of the proceeds of this robbery of the government the profits were, allowing the army account to be really legitimate expense, **$298,975.72.** If the army account was illegitimate, as would appear by the face of Fant, Washington & Co.'s books the profits were **$362,500.82.**

Mr. Fant could give no explanation of this account. It was their duty as agents to simply collect the money and forward it in checks on New York, and charge them to different items, as per the direction of Cowles & Co. The committee did not seek to unravel this mystery beyond the inquiries put to Fant. The object of this investigation was to ascertain whether or not $39,040.17 was illegally paid to George A. Cowles & Co. by the order of Rufus Ingalls, then Quartermaster-General. They reached the conclusion that it had been, upon an opinion of Attorney-General Pierrepont, who therefore divided the responsibility of the violation of law with the Quartermaster-General and Secretary of War.

GEN. GARFIELD & THE LABORING MEN.

A great parade has been made in all the political biographies of Gen. Garfield of the fact that he was born in humble circumstances and that in his youth he drove mules on the tow path of a canal. But his record as a friend of the class with whom he associated in his youth is not referred to by his biographers. They deal in glittering generalities. They know his acts are not in accordance with their encomiums. In his exalted station he has become the friend, the champion, the beneficiary of every monster corporation like the Credit Mobilier of America, which stole $50,000,000 from the People's Treasury in building the Union Pacific Railroad ; like the Six Chinese Companies of San Francisco, that fattens at the expense of Free American Labor ; like the Cobden Free Trade League of England, of which he is an honorary member.

In the Forty-third Congress, when Mr. Garfield was Chairman of the Committee on Appropriations of the House of Representatives, he brought in the Sundry Civil Bill with a clause cutting down the wages of the printers who work in the Government Printing Office. Gen. Hawley, of Connecticut, moved to strike out this clause, reducing the compensation of skilled mechanics. Gen. Garfield insisted that the printers in the government employ were overpaid—that they received more and better pay than they were entitled to. At the close of the next session of Congress he engineered through an amendment to the Legislative, Executive and Judicial Appropriation Bill which not only increased his own pay, but extended it back to the beginning of the Congress. In the discussion of the clause reducing the printers' wages Gen. B. F. Butler, of Massachusetts, took the floor and said that when Congress would go to work and reduce the interest on the Government Bonds, that only cost 38 cents on the dollar, and by intervening legislation of Congress had been raised to the value of $1.16, he would be willing to consider a proposition to reduce the wages of laboring men. Capitalists could always come to Congress and secure legislation to protect their interests, and so long as this continued he was in favor of the mechanical and laboring classes organizing to protect their interests.

Gen. Garfield contended that Congress had the right to make the wages of the printers whatever it saw fit. No one denied the *power* of Congress to legislate against the employees of the Government Printing Office. It was the equity of the thing for which Gen. Butler and others contended. Gen. Hawley, of Connecticut, insisted that the wages paid printers in Washington were not too high. Gen. Garfield admitted that the printers in the Government Office did more night work, and that their employment was more irregular than in outside printing offices ; that the cost of living in Washington was higher than elsewhere, but still he contended that these workmen ought not to be paid more than printers elsewhere received. On the motion to strike out this clause reducing the printers' wages Gen. Garfield voted NO—(*see Congressional Record* 43*d Cong.*, 1*st Sess.*, *pp.* 4877–8–80–81.)

SOME OF GENERAL GARFIELD'S VOTES.

Below are given some of the votes cast by General James A. Garfield since he became a member of Congress. They embrace votes on the most important topics. It will be found that he invariably voted for all land grants and subsidies and in favor of all monopolies, while he at the same time voted against giving soldiers 160 acres of land.

Besides the votes given below he voted generally against Democratic investigations; against reductions of the army, and in favor of the largest appropriations for all purposes.

RAILROAD LAND GRANTS.

May 16, 1864.—The Northern Pacific Land Grant Bill was under consideration, and Mr. Holman moved an amendment requiring the road to transport the troops and property of the United States free of charge. Mr. Garfield voted against the amendment (*Globe, part* 3, 1*st sess.* 38*th Cong.*, *p.* 2291).

The bill was rejected the same day. Garfield, however, voted for it (*Ibid.*, *p.* 2297).

May 31st.—A bill of the same character was called up, and this time it passed, Garfield voting for it (*Ibid.*, *p.* 2612).

February 17th, 1865.—General Garfield voted in the interest of a bill to extend the time for the completion of certain land grant railroads in Michigan and Wisconsin (*Globe, part* 2, 2*d sess.* 38*th Cong.*, *p.* 873).

March 3d, 1865.—Garfield voted to suspend the rules and take up a bill to extend the time for the completion of certain land grant railroads in Minnesota, and the bill passed (*Ibid*, *p.* 1410).

July 5th, 1866.—A bill was considered which proposed to amend the Union Pacific Railroad Act in such a way as to give enlarged powers to the grant of land previously made. Mr. Garfield is recorded in favor of it (*Globe, part* 4, 1*st sess.* 39*th Cong.*, *p.* 3589).

July 26, 1866.—Garfield voted for a bill granting lands to aid in the construction of a railroad and telegraph line from the states of Missouri and Arkansas to the Pacific Coast (*Globe, part* 5, 1*st sess.* 39*th Cong.*, *p*, 4183).

March 2, 1867.—A bill to grant land for the construction of the Stockton and Copperopolis Railroad, in California, was passed. Garfield voted for it (*Ibid.*, 2*d sess.*, *p.* 1769).

January 15th, 1868.—The bill to extend the time for the completion of the Dubuque and Sioux City Railroad was taken up. It proposed to take away five or six hundred thousand acres of the public lands. With a view of stopping the steal, E. B. Washburne made a point of order against it. The Speaker overruled the point of order, and Garfield voted to sustain the decision of the chair (*Globe, part* 1, 2*d sess.* 40*th Cong*, *p.* 544).

The bill was not disposed of on that occasion. It came up the next day and Garfield voted for it at every stage, and until it was finally passed (*Ibid.*, *p.* 571).

January 18, 1869.—An attempt was made by Mr. Holman to commit the House against the policy of granting public lands to railroads and other corporations, and declaring that such lands should be reserved for actual settlers. Garfield voted against the resolutions, and his vote helped to lay it on the table (*Globe, part* 1, 3*d sess.*, 40*th Cong.*, *pp.* 424–5).

February 22, 1869.—Garfield voted for the bill granting the right of way to the Memphis, El Paso & Pacific Railroad Company from El Paso to the Pacific Ocean (*Ibid.*, *part* 2, *p.* 1444).

April 9th, 1869.—A proposition was pending to extend the time for the completion of the first twenty miles of the Little Rock and Fort Smith Railroad—a land grant road. Garfield helped by his vote to pass it, with an amendment for the benefit of the Memphis & El Paso Road (*Globe*, 1*st sess.*, 41*st Cong.*, *p.* 702).

The bill came from the Senate on March 4th, 1870, with sundry amendments, and Garfield again voted to put it through (*Globe, part* 2, 2*d sess.* 41*st Cong.*, *p.* 1699).

May 25, 1870.—The House having under consideration a Senate bill to authorize the Northern Pacific Railroad to issue its bonds for the construction of its road, an amendment was offered that the lands granted said company should be sold to actual settlers only, in quantities not greater than 160 acres to any one person, and at a price not exceeding $2.50 per acre. General Garfield voted against it. Then the same amendment was put in another form, and he voted against that also (*Globe, part* 5, 2*d sess.* 41*st Cong.*, *pp.* 3797–8).

The next day, May 25th, he voted against a like amendment. He also voted against an amendment declaring that nothing in the act should be construed as a guarantee by the United States of the bonds issued by said company or its agents. Then other efforts were made to fix the price at which the lands should be sold, and Garfield voted steadily against all of them. He also voted against the following propositions: that any railroad authorized to be built by competent state or national authority, whose line of road intersects that of the Northern Pacific Company, should have the right of way to the extent of 200 feet in width, with necessary grounds for depot purposes, over and across the lands of said company, free of charge; that the company should be required to report annually to the Secretary of the Interior; that the United States should have the right at all times to take possession of and own the road of said company, and all its appurtenances, on paying the actual and legitimate cost thereof, etc. After voting against these and other proper amendments, nearly all of which were defeated, he finally voted for the bill (*Ibid.*, *pp.* 3850 *to* 53).

July 12, 1870.—On a motion to take up and consider the bill extending the time for the completion of the St. Croix & Bayfield Railroad, Mr. Garfield voted to take it up, and resisted all attempts to defeat it (*Globe, part* 6, *2d sess.* 4*1st Cong.*, *p.* 5469).

February 21, 1871.—Garfield voted for a grant of land in aid of the construction of the Texas Pacific Railway (*Globe, part* 2, 3*d sess.* 4*1st Cong.*, *p.* 1473).

February 29, 1872.—The St. Croix and Bayfield Railroad land grant was brought up again, it having failed in the previous Congress. Mr. Holman wanted to recommit it with such instructions as to compel the reporting of a bill which would better protect the interests of the government; to limit the land grant and to prevent any of the lands enuring to the benefit of the Northern Pacific Railroad. The bill was referred with the instructions, but in spite of Mr. Garfield for he voted against the motion (*Globe, part* 2, *2d sess.* 4*2d Cong.*, *p.* 1313).

April 18th, 1872.—The bill to incorporate the Great Salt Lake and Colorado River Railroad Company, and making a grant of land thereto was taken up. Gen. Garfield voted against a motion to lay the bill on the table and it was then passed (*Ibid.*, *part* 3, *p.* 2547).

It will be observed that he voted generally in favor of landgrants. When the Democrats came into power they stopped that sort of legislation and adopted the following resolution, which Garfield voted for, after he saw that no more land legislation was to be had.

December 15th, 1875.—*Resolved*, That in the judgment of this House, in the present condition of the financial affairs of the government no subsidies in money, bonds, public lands, indorsements or by pledge of the public credit, should be granted by Congress to associations or corporations engaged, or proposing to engage, in public or private enterprises, and that all appropriations from the public treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service (*Record vol.* 4, *part* 1, 1*st sess.* 44*th Cong.*, *p.* 227).

He voted for a similar resolution in 45*th Congress* (*Record*, *vol.* 7. *part* 1, 2*d sess.* 45*th Cong.*, *p.* 626).

OTHER LAND GRANTS.

February 14th, 1865.—Mr. Garfield voted for a bill donating public land for the construction of a ship canal at the head of the Sturgeon Bay, Wisconsin (*Globe, part* 1, 2*d sess.* 38 *Cong.*, *p.* 795).

March 1st, 1865.—Mr. Garfield voted for a bill granting land to the state of Michigan, to aid in building a harbor and ship canal at Portage lake, Lake Superior (*Globe, part* 2, 2*d sess.* 48*th Cong.*, *p.* 1263).

April 2d, 1866.—The bill granting a donation of two hundred thousand acres of land (which failed in the Thirty-eighth Congress), for the Sturgeon Bay Canal came up again and, Garfield true to his instincts in favor of land grants voted for it (*Globe, part* 2, 1*st. sess.* 39*th Cong.*, *p.* 1727).

TAX ON DISTILLED SPIRITS, ETC. — VOTES IN THE INTEREST OF THE WHISKEY RING.

March 3, 1864.—A report of a conference committee on an internal revenue bill was under consideration in the House. The point in controversy was as to the propriety of taxing the stock on hand. The House said it should be taxed, and the Senate said it should not. Garfield voted that the House should recede from its position, and thus concur in the Senate amendment (*Globe, part* 1, 1*st sess.* 38*th Cong*).

April 28, 1864.—Garfield voted against another proposition to tax the stock on hand (*Ibid*, *part* 2, *p.* 1963).

December 19, 1864.—He voted to strike out a section of a revenue bill which taxed spirits on hand 50 cents per gallon (*Globe, part* 1, 2*d sess.* 38*th Cong.*, *p.* 68).

January 30, 1878.—A bill was pending in relation to the tax on distilled spirits. Gentlemen who knew most about it demonstrated that a reduction of the tax would be of great advantage to the revenues of the country. An amendment was offered, declaring that a reduction of the tax was inexpedient. Gen. Garfield voted for the amendment (*Record*, *vol.* 7, *part* 1, 2*d sess.* 45*th Cong.*, *p.* 681).

June 17, 1878.—A bill to amend the laws relating to internal revenue was passed. It was of decided advantage to the government in the matter of the tax on distilled spirits. Garfield voted against it (*Ibid.*, *part* 5, *p.* 4770).

STEAMSHIP SUBSIDIES.

April 15, 1864.—Mr. Garfield voted against a motion to lay on the table a bill granting a subsidy of $150,000 for mail service between the United States and Brazil (*Globe part* 2, 1*st sess.* 38*th Cong.*, *p.* 1658).

March 2, 1867.—Garfield voted for a bill to subsidize a line of steamers between the United States and the Hawaiian Islands (*Globe, part* 3. 2*d sess.*, 39*th Cong.*, *p.* 1781).

June 10th, 1868.—Gen. Garfield voted for a bill granting a subsidy to a line of steamships between New York and one or more European ports (*Globe, part* 3, 2*d sess.* 40*th Cong.*, *p.* 3033).

May 21, 1872.—The Senate put an amendment on the Post-Office Appropriation Bill for an additional monthly mail between the United States and China. Holman wanted to reduce the amount of compensation. Garfield voted against the proposition. He then voted for the increased subsidy and additional service. On the same day he voted for the Brazilian mail subsidy (*Globe*, *part* 5, 2*d sess.* 42*d Cong.*, *p.* 3679–80).

February 15, 1875.—On a motion to suspend the rules and pass a Senate bill for the relief of the contractors for the construction of vessels of war and steam machinery—Secors and others, whose claims were frauds—Gen. Garfield voted in the affirmative (*Record*, *part* 2, *2d sess.* 43*d Cong.*, *p.* 1292).

December 15, 1877.—Garfield voted against the resolution offered by Mr. Wood authorizing certain committees to make investigations of matters before them. One of the principal investigations proposed was that with regard to frauds in the Navy Department (*Record*, *vol.* 7, *part* 1, 45*th Cong.*, *2d sess.*, *pp.* 243 *and* 4, *&c.*).

PRINTING FRAUDS.

May 16, 1876.—Mr. Garfield voted against a resolution reported from the Committee on Printing, directing the Speaker to transmit to the proper authorities the testimony taken by that committee relating to the Congressional printer, to the end that he might be indicted and presented. By voting against that resolution, Mr. Garfield proposed to shield Mr. Clapp from certain acts of malfeasance in office which the committee had found against him (*Record*, *vol.* 4, *part* 4, 1*st sess.* 44*th Cong.*, *p.* 3118).

THE CHOCTAW CLAIM.

There has been pending before Congress for several years a bill to pay the Choctaw Indians the sum of nearly three million dollars which they claim to be due them. As the claims have nearly all passed into the hands of speculators for a merely nominal sum, and as the Indians would not be benefited by the appropriation to any great extent, the claim was regarded as a swindle, and as such opposed. Moreover, Secretary Boutwell reported that it had been paid in full. In the Forty-third Congress the claim was attached to the Indian Appropriation Bill. Gen. Garfield voted for it (*Record*, *vol.* 3, *part* 1, 2*d sess.* 43*d Cong.*, *p.* 617). On account of this appropriation the bill was rejected. The next day (January 21st, 1865), Mr. Garfield voted to reopen the question (*Ibid.*, *p.* 636). A motion was then made to recommit the bill to the Committee on Appropriations (the committee of which Garfield was chairman), with instructions to report the same, excluding the Choctaw claim. Garfield voted against the motion. He also voted in favor of the bill, and it was finally recommitted to the committee of the whole House (*Ibid.*, *pp.* 637–639).

The bill was reported back again February 9th, 1875, but still retained the Choctaw clause, slightly modified. The clause was rejected, but not with Garfield's aid, for he voted to retain it (*Ibid.*, *part* 2, *p.* 1093).

January 22, 1877.—The friends of the claim changed their tactics a little. Failing to get the House to act on the bill, they proposed to refer it to the Court of Claims. Gen. Garfield voted for the reference (*Record*, *vol.* 5, *part* 1, 2*d sess.*, 44*th Cong.*, *p.* 812).

VOTES AGAINST SOLDIERS' INTERESTS.

April 30, 1864.—The Army Appropriation Bill being under consideration, Mr. Holman offered an amendment providing that after January 1st, 1864, the pay of the private soldier of the army shall be $20 per month. The Speaker ruled the amendment out of order and Mr. Holman appealed from the decision of the chair. On motion to lay the appeal on the table, James A. Garfield voted for it, thereby declaring his opposition to an increase of the private soldiers' pay (*Globe*, *part* 3, 1*st sess.*, 38*th Cong.*, *p.* 1999).

January 6th, 1864.—Mr. Farnsworth reported a bill from the Committee on Military Affairs, continuing the payment of bounties for enlistment from the 5th of January, 1864, to the 1st of March, 1865. The bill passed—112 to 2. Mr. Garfield was one of the two voting no (*Globe*, *part* 1, 1*st sess.*, 38*th Cong.*, *p.* 110).

February 18th, 1865.—A bill was reported from the Committee on Military Affairs to increase the pay of certain officers of the army. An amendment was offered to make the pay of private soldiers $20 per month. General Garfield voted against the amendment. He then moved that the bill be recommitted and voted for that motion. His motion prevailed and the bill was then immediately reported back providing for the officers but leaving the private soldiers out, and it was passed (*Globe*, *part* 2, *2d sess.*, 38*th Cong.*, *pp.* 909 *and* 910).

December 12, 1872.—General Garfield voted against the bill allowing every private soldier, musician and officer who served in the army of the United States during the late war for ninety days, and was honorably discharged, and the widow or orphan of such soldier to enter 160 acres of land under the homestead law (*Globe*, *part* 1, 3*d sess.*, 42*d Cong.*, *p.* 167).

February 8th, 1875.—General Garfield voted against suspending the rules and passing a bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the late war for a period of less than one year, and who were killed or have died by reason of such service (*Record*, *vol.* 3, *part* 2, *2d sess.*, 43*d Cong.*, *p.* 1068).

PENSIONS OF SOLDIERS OF 1812.

July 6th, 1866.—Mr. Garfield voted to lay on the table a bill granting pensions to soldiers of the war of 1812. He then voted to recommit the bill, and thereby helped to defeat it (*Globe, part* 4, 1*st sess.* 39*th Cong., pp.* 3928 *and* 29).

April 3d, 1876.—A bill to pension soldiers of 1812 and their surviving widows being under consideration, Mr. Garfield voted to strike out a clause giving arrearages of pensions to widows whose husbands' names were dropped for alleged disloyalty (*Record, vol.* 4, *part* 3, 1*st sess.* 44*th Cong., p.* 2167).

PENSIONS TO MEXICAN SOLDIERS.

February 25th, 1878.—General Garfield was a determined opponent of the bill to pension the veterans of the Mexican war. He voted at the date above named against a motion to go into Committee of the Whole to consider a bill to pension them (*Record, vol.* 7, *part* 2, 2*d sess.* 45*th Cong., p.* 1315).

January 14th, 1879.—He voted again against going into Committee of the Whole on the bill (*Record, vol.* 8, *part* 1, 3*d sess.* 45*th Cong., p.* 443).

During that session several other attempts were made to get the bill up and Garfield was always recorded against it.

TARIFF.

June 4th, 1864.—Mr. Garfield voted against an amendment to the pending tariff bill, to admit free of duty during a period of one year, any machinery designed for and adapted to the manufacture of woven fabrics from the fiber of flax or hemp, &c. (*Globe, part* 3, 1*st sess.* 38*th Cong., p.* 2750).

June 27th, 1864.—Mr. Garfield voted for a Senate amendment to the tariff bill, fixing a duty of sixty cents per one hundred pounds on all iron imported in bars for railroads, and inclined planes made to patterns and fitted to be laid down on such roads or planes (*Globe, part* 4, 1*st sess.* 38*th Cong., p.* 3312).

July 10th, 1866.—A tariff bill being under consideration, Garfield voted against reducing the duty on railroad iron to 50 cents per hundred pounds and then voted to make it 70 cents per hundred pounds (*Globe, part* 4, 1*st sess.* 39*th Cong., p.* 3723).

December 8th, 1868.—Garfield voted for a bill increasing the duty on imported copper and copper ores (*Globe, part* 1, 3*d sess.* 40*th Cong., p.* 15).

February 8th, 1869.—The bill went back to the House from the Senate with the rates of duty largely increased, and Garfield voted for the Senate amendments (*Ibid part* 2, *p.* 960).

May 23d, 1870.—Garfield voted against a motion offered by Mr. Judd, of Illinois, to suspend the rules and pass a bill to reduce duties on sugar, molasses, iron, etc. (*Globe, part* 4, 2*d sess.* 41*st Cong., p.* 3727).

June 6th, 1870.—An internal revenue bill being under consideration, Mr. Schenck offered an amendment imposing increased duties on tea, coffee, sugar and other necessaries of life. In fact it was a regular tariff bill injected into an internal revenue bill. Garfield voted for it (*Ibid, part* 5, *p.* 4106).

June 20th, 1870.—The House had in the above bill raised the duty on live animals from 20 to 30 per cent. *ad valorem*, and had so increased the duties on potatoes and fish that they were almost prohibitory. A resolution was offered directing the Ways and Means Committee to reduce the duties on potatoes and fish 50 per cent. Garfield voted for its reference to the Ways and Means Committee without instructions, and thus practically defeated it (*Ibid, p.* 4603)

February 26th, 1872.—A resolution declaring it to be the judgment of the House that the duty on pig iron should be reduced to five dollars per ton or less, was rejected. Mr. Garfield voted against it (*Globe, part* 2, 2*d sess.* 42*d Cong., p.* 1217).

DUTY ON PRINTING PAPER.

January 23, 1865.—Mr. E. B. Washburne introduced for passage a joint resolution to reduce the duty on printing paper unsized, used for books and newspapers exclusively, to three per cent. *ad valorem.* Mr. Garfield voted to lay the joint resolution on the table; he also voted against ordering the main question and fought it at every stage down to the final passage. He wanted the rate of duty put higher (*Globe, part* 1, 2*d sess.* 38*th Cong., pp.* 369 *and* 370).

March 3d, 1865.—The above bill was returned from the Senate with an amendment increasing the duty to 15 per cent. Garfield voted for that amendment. He also voted against tallying the bill, which the friends of cheap paper desired to do (*Ibid., part* 2, *p.* 1416).

DUTY ON SUGAR.

April 28, 1864.—An internal revenue bill being under consideration Mr. Garfield voted for an amendment increasing the duty on sugar from one to two cents per pound (*Globe, part* 2, 1*st sess.* 38*th Cong., p.* 1942).

DUTY ON COAL.

June 6th, 1870.—Mr. Garfield voted against a resolution directing the Ways and Means Committee at the earliest practicable moment to report a bill abolishing the duty on coal, was to secure that important article of fuel to the people free from all taxation (*Globe, part* 5, 2*d sess.* 41*st Cong.. p.* 4101).

SPIES AND INFORMERS.

April 1st, 1872.—A bill was passed to dispense with informers in the internal revenue service Gen. Garfield voted against it (*Globe, part* 3, 2*d sess.* 42*d Cong., p.* 2077).

SAN DOMINGO.

December 12, 1870.—Mr. Banks offered a resolution authorizing the President to appoint a commission in regard to the acquisition of San Domingo. Mr. Cox moved to lay the resolution on the table. That would have killed, at once, what afterwards turned out a great scandal. General Garfield voted against the motion to table (*Globe, part* 1, 3*d sess.* 41*st Cong., p.* 66).

January 9th, 1871.—The Senate having passed a joint resolution similar to the above, Mr. Orth moved to suspend the rules and pass the Senate joint resolution. General Garfield voted for it. The rules were not suspended, however. Then Orth reported back the House bill. The opposition filibustered successfully against it, but finally Orth succeeded in having the Senate bill taken up for consideration, Mr. Garfield voting in favor of it all the time (*Ibid., pp.* 381 *and* 84).

January 10th, 1871, the joint resolution was passed with the aid of Garfield's *vote* (*Ibid., p.* 416).

THE FRANKING PRIVILEGE.

Jan'y 20, 1869.—In a bill to restrict and regulate the franking privilege was a clause prohibiting persons entitled to the privilege from receiving through the mails any mail matter free of postage except public documents printed by order of Congress. Gen. Garfield voted to strike that clause from the bill (*Globe, part* 1, 3*d sess.* 40*th Cong.*, *p.* 480).

BELLIGERENT RIGHT TO CUBANS.

January 28th, 1872.—Mr. Voorhees offered a resolution to recognize the belligerent rights of the Cubans in their war against Spain. Gen. Garfield voted against it (*Globe, part* I, 2*d sess.* 42*d Cong.*, *p.* 685).

THE CHINESE QUESTION.

March 22d, 1869.—Gen. Garfield voted against a resolution declaring that the Fifteenth Amendment to the Constitution never intended to confer the right of suffrage upon Chinese or Mongolians (*Globe,* 1*st sess.* 41*st Cong.*, *p.* 202).

NO SYMPATHY FOR IRELAND.

March 8th, 1867.—A resolution was offered extending the sympathy of the people of the United States to the people of Ireland, in their struggle for constitutional liberty. Gen. Garfield was one of fourteen members who voted against considering the resolution, and then voted to refer it to a committee (*Globe,* 1*st sess.* 40*th Cong.*, *p.* 36).

MUZZLING THE SUPREME COURT.

In January, 1868, the Republicans became fearful that the Supreme Court would upset some of their unconstitutional reconstructive laws, so a bill was introduced to prevent it, by declaring what should be a quorum, &c., of the Court. It was a virtual interference with the prerogatives of that tribunal. Gen. Garfield voted with the bill at all its stages (*Globe, part* 1, 2*d sess.* 40*th Cong.*, *pp.* 76-77 and 78).

GARFIELD AND GENERAL SHIELDS.

HIS INGRATITUDE TO A SCARRED VETERAN OF THREE WARS.

There was a bill introduced in the Forty-fifth Congress authorizing the President to appoint James Shields a brigadier-general in the United States Army, on the retired list, with rank and pay from and after the passage of the act. General Shields was then without means of support, and so broken by disease contracted in the service of his country in the field, and so enfeebled by age and infirmity that his Democratic friends in Congress resolved to do a last act of simple justice by placing him on the retired list of the army, and thus provide a dying veteran with food and shelter. It was an extreme case, and the dictates of humanity, to say nothing of the acknowledged services of the grand old hero during a long and brilliant career in the field, would seem enough to justify any proper measure of relief.

General Shields was then nearing his grave, dying only a few months afterwards in great poverty. He was not only a soldier of honorable fame, but a Democratic statesman of great ability and unsullied patriotism, having served as Senator in Congress from three different states of the Union.

When the vote was taken on a motion to suspend the rules and pass this bill, the yeas were 112 and the nays 55. To the surprise of every lover of justice in that House JAMES A. GARFIELD voted NAY (*see Cong. Record*, 45*th Cong.*, 3*d sess. p.* 2,387).

GARFIELD AGAINST FREE SALT.

MR. GARFIELD OPPOSES THE REPEAL OF THE DUTY ON SALT.

A motion was made by Mr. Hatch on January 13th, 1880, to suspend the rules and pass the following bill to provide for the importation of salt duty free:

> *Be it enacted, &c.*, That no duty shall be levied or collected, directly or indirectly, on the importation of salt brought into any port of the United States; but salt, fine or coarse, in bulk or in bags, sacks, barrels, or other packages, may be imported free of duty.
>
> SEC. 2. That all laws or regulations of the Treasury Department in conflict with this act be, and the same are hereby, removed.
>
> SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. Conger objected to its consideration, but the objection was overruled by the Speaker. Mr. Conger then moved to adjourn, and on that motion demanded the yeas and nays. The vote being taken the yeas were 97, nays 128. Mr. Garfield signified his opposition to the bill by voting YEA.

The motion to adjourn having failed the question occurred on the motion of Mr. Hatch to suspend the rules and pass the bill. The yeas and nays being called for the question was decided in the negative, yeas 115, nays 115. Mr. Garfield being recorded among those *not* voting (*see Cong. Record, January* 13*th*, 1880, *p.* 18).

On the following day Mr. Garfield rose in his place and said:

> Mr. Speaker: I find that in the list of yeas and nays on the Journal, on the motion yesterday to suspend the rules and pass the bill for the repeal of the duty on salt, I am recorded as not voting. I wish the correction to be made. *I voted against the motion.*

So the Journal was corrected and Mr. Garfield's vote was recorded in the *negative* (*Id. January* 14*th*, 1880, *p.* 4).

MR. GARFIELD DENOUNCED BY THE REPUBLICANS OF HIS OWN DISTRICT.

GEN. GARFIELD'S REPUBLICAN CONSTITUENTS PASS JUDGMENT.

On the 7th of September, 1876, the Republicans of the Nineteenth Congressional district of Ohio opposed to the return of James A. Garfield to Congress met in convention at Warren, Ohio, and organized. A committee on resolutions was appointed, which, after mature consideration, submitted the following, which was adopted:

Be it by this independent convention of Republicans of the Nineteenth Congressional District of Ohio,

First. *Resolved*, That dishonesty, fraud and corruption have become so common, notorious and obvious in the administration of our national government, as to be not only humiliating and disgraceful in the estimation of every honest and intelligent citizen, but to imperil the prosperity of the people, if not the stability of the government itself.

Second. *Resolved*, That this deplorable condition of the administration of our national government is largely due to the election to office and continuance therein of corrupt, dishonest and venal men.

Third. *Resolved*, That it is useless and hypocritical for any political party to declare for reform in its platforms, papers and public addresses, while it insists on returning to high official place and power men who have been notoriously connected with the very schemes of fraud which render reform necessary and urgent; that to send those to enact reform who themselves need reforming to make them honest, is worse than setting the blind to lead the blind.

Fourth. *Resolved*, That there is no man to-day officially connected with the administration of our national government against whom are justly preferred more or graver charges of corruption than are publicly made and abundantly sustained against James A. Garfield, the present representative of this Congressional district and the nominee of the Republican convention for re-election.

Fifth. *Resolved*, That since he first entered Congress to this day there is scarcely an instance in which rings and monopolies have been arrayed against the interests of the people, that he has been found active in speech and vote upon the side of the latter, but in almost every case he has been the ready champion of rings and monopolies.

Sixth. *Resolved*, That we especially charge him with venality and cowardice in permitting Benjamin F. Butler to attach to the Appropriation bill of 1873 that ever-to-be-remembered infamy, the salary steal, and in speaking and voting for that measure upon its final passage; and charge him with corrupt disregard of the clearly expressed demand of his constituents that he should vote for its repeal, and with evading said demand by voting for the Hutchinson amendment.

Seventh. *Resolved*, That we further arraign and denounce him for his corrupt connection with the Credit Mobilier, for his false denials thereof before his constituents, for his perjured denial thereof before a committee of his peers in Congress, for fraud upon his constituents in circulating among them a pamphlet purporting to set forth the findings of said committee and the evidence against him, when, in fact, portions thereof were omitted and garbled.

Eighth. *Resolved*, That we further arraign and charge him with corrupt bribery in selling his official influence as Chairman of the Committee on Appropriations to the DeGolyer Pavement Ring, to aid them in securing a contract from the Board of Public Works of the District of Columbia; selling his influence to aid said ring in imposiug upon the people of said District a pavement which is almost worthless at a price three times its cost, as sworn to by one of the contractors; selling his influence to aid said Ring in procuring a contract to procure which it corruptly paid, $97,000 "for influence;" selling his influence in a matter that involved no question of law, upon the shallow pretext that he was acting as a lawyer; selling his influence in a manner so palpable and clear as to be so found and declared by an impartial and competent Court upon an issue solemnly tried.

Ninth. *Resolved*, That we arraign him for the fradulent manner in which he attempted, in his speech, delivered at Warren, on the 19th day of September, 1874, to shield himself from just censure in receiving the before-named $5,000, by falsely representing in said speech that the Congress of the United States were not responsible for the acts of said board, nor the United States liable for the debts created thereby, when in truth and in fact, as he then well knew, the said Board of Public Works and the officers of said District were but the agents and instruments of Congress, and the United States, was responsible for the indebtedness by them created.

Tenth. *Resolved*, That we arraign him for gross dereliction of duty as a member of Congress in failing to bring to light and expose the corruption and abuse in the sale of post traderships, for which the late Secretary Belknap was impeached, when the same was brought to his knowledge by

Gen. Hazen in 1872, and can only account for it upon the supposition that his manhood was debauched by the corruption funds then by him just received and in his own purse.

Eleventh. *Resolved*, That the law of 1873, known as the act demonetizing silver, was enacted in the interest of gold rings, bondholders and capitalists and against the interest of the taxpayers and without their advice or knowledge. That this act, by a single blow, has seriously crippled our power to resume specie payments or pay our national debt in coin. That no sufficient reason has yet been given for this legislation, so dishonest and palpable in its discrimination in favor of the small creditor class and capitalists and against the great debtor class and the industrial interests of the country. That James A. Garfield during the last session of Congress was the conspicuous defender of this crafty attempt to sacrifice the interests of the people to bondholders and foreign capitalists. That when it was proposed to restore the old silver dollar to the place it had held during our history as a nation as a legal tender for all debts, public and private, he denounced the attempt as "a swindle on so grand a scale as to make the achievement illustrious" and as a "scheme of vast rascality and colossal swindling."

Twelfth. *Resolved*. That neither great ability and experience or eloquent partisan discussion of the dead issues of the late war will excuse or justify past dishonesty and corruption or answer as a guaranty of integrity and purity for the future.

Thirteenth. *Resolved*, That believing the statements in the foregoing resolutions set forth, we cannot, without stultifying our manhood and debasing our self-respect, support at the polls the nominee of the Republican convention of this district for re-election, nor can we, without surrendering our rights as electors and citizens, sit silently by and see a man so unworthy again sent to represent us in the national legislature. That strong in the conviction of right, we call upon the electors of the district, irrespective of former or present party attachment, who desire honest government, to unite with us in an earnest, faithful effort to defeat the re-election of Gen. Garfield, and elect in his stead an honest and reliable man.

The result of this expose was a majority for Mr. Garfield of twenty-nine hundred and ninety-one votes less than the head of the Republican state ticket received in the Nineteenth district. Garfield's majority was 3,569 less in his Congressional district in 1876 than Hayes received in it for President.

AN ADDRESS TO THE REPUBLICAN VOTERS OF THE NINETEENTH (OHIO) CONGRESSIONAL DISTRICT.

SEPTEMBER 10, 1876.

Fellow Citizens: We who address you were appointed a committee for this purpose by an independent convention of Republicans assembled for the purpose of putting in nomination a suitable person as candidate for Congress in opposition to James A. Garfield.

The cause which impelled the calling of that convention and inspired its action are set forth in the resolutions by it adopted and printed herewith. To the indictment contained in those resolutions and the evidence submitted in support thereof, we respectfully call your attention and ask your candid consideration.

We have no grievances. We never sought favors at Mr. Garfield's hands, and have no personal quarrel with him. On the contrary we have been among his warmest political friends and supporters and now only attack his acts and conduct in public life and the character he has thereby attained.

It is easier to float with the tide than to row against it and we regret the necessity that compels us to denounce him.

It is fitting that as true men we should seek the cause and remedy for this state of ruin and we look not far nor long. Corruption in office and want of wisdom in legislation loom up before us. We review with pride our party history and achievements, but we now see fraud in high places eating at its vitals. Its revenue officers are found stealing and dividing with whisky rings. Its secretaries sell post traderships. Its Congressmen raise their own salaries and make them retroactive; take great fees for argument on pavement jobs before boards of their own creation and pocket the dividends of great frauds like the Credit Mobilier. Corruption rides in $1,600 landaulets, purchased at government expense, and Congressmen build palaces at the Capitol while the people toil and sweat under their burdens—they forget that they are but the servants of the nation and act as if they were its owners seeking to wring from it the greatest possible number of dollars for their own purposes.

The Republican party has done much to purify itself within itself. Its Whisky

Ring Revenue officers are convicted and imprisoned. Belknap is deposed and impeached and only escapes conviction by a technicality. Its Salary Stealing, Credit Mobilier, Pavement Jobbing Congressmen are mostly retired. James A. Garfield remains. Richard C. Parsons, his compeer as a great patent pavement lawyer nominated without opposition in a district Republican last year by 6,500 majority, was buried at the polls by Henry B. Payne, a Democrat, by 2,500 majority. The office-holders nominated him, but the brave, honest people rebuked them.

James A. Garfield fell from 10,935 majority in 1872 to 2,526 majority in 1874. "Oh, what a fall was there, my countrymen!" Rebuked, shorn of character for truth and integrity, all that is noble in manhood almost defeated, he stands a sad and blackened monument of avarice and greed.

By the arts of the orator and demagogue, of which he is a consummate master, he is striving and struggling and may postpone the day of his final doom, but he bears upon his front the writing on the wall "mene, mene, tekel upharsin."

"Whom the gods would destroy they first make mad."

Forgetting his duty to his country and his constituents, in his haste to serve his bond-holding masters, on the 13th of July, 1876, he committed himself to the defense of that great fraud upon the people, the demonetization of the silver dollar, and denounced its restoration as a "swindle on so vast a scale as to make the achievement illustrious."

That speech, so weak in its logic and so damning in its political heresies, and so ruinous to the high pretensions of statesmanship of its author, is suppressed by the Republican editors of his district and is only to be found in the Congressional Record. Holding post-offices and places of emolument at his will, they dare to raise their voices only in his praise.

If the Republican party would survive, it must strike from its rolls the last dishonored name and select only honest, true and brave men to fill its high places.

Flaming oratory upon the horrors of Andersonville and Libby, and the disordered condition of the South, are a poor compensation for want of integrity. The fools who believe that another great rebellion or payment of the rebel debt are imminent, are only found in the post-offices and lunatic asylums. The people know better, and that cry of the demagogue to arouse their fears, that he may get their votes, ought to be of no avail.

G. N. Tuttle,
P. Bosworth,
H. H. Hine, of Lake county.
J. A. Giddings, of Ashtabula.
D. E. Durfee, of Geauga.
L. D. Brown, of Portage.
A. Youmans, of Trumbull.

GARFIELD AGAINST THE SHIPBUILDERS OF NEW ENGLAND.

REVIVAL OF OUR COMMERCIAL MARINE—MR. GARFIELD SPEAKS AND VOTES ADVERSELY.

On the 28th day of August, 1870, Mr. Lynch, of Maine, introduced a bill to revive the navigation and commercial interests of the United States. This bill premised that the late war had nearly destroyed the merchant marine of the country, and that now (*i. e.*, 1870) it had no protection from foreign competition as afforded to other great national interests and industries, and was therefore steadily declining; that its restoration, constituting as it did one of the most efficient means of defense in time of war, was of great national importance and necessary to the maintenance of our position as a first-class power, and therefore enacting, in substance as follows:

That on all imported lumber, timber, hemp, manila and composition metal, and iron and steel not advanced beyond rods, bars and bolts, plates, beams and forgings, used and wrought into the construction of steam or sail vessels built in the United States, for any portion of such vessels, there should be allowed and paid by the Secretary of the Treasury, a rebate or drawback equal to the duties on such material, and that where American material should be used in the construction of iron, steel, or composite vessels or steamers, there should be allowed and paid an amount equivalent to the duties imposed on similar articles of foreign manufacture when imported.

The bill also provided that all ship stores and coal to be consumed by any vessel on its voyage from any port of the United States to any foreign port might be taken in whole packages in bond and disposed of for such purposes, free of import and internal duty and tax.

In order to further encourage the restoration of our commercial supremacy on the seas, the bill enacted that the owner of an American sail or steam vessel engaged for more than six months in the year in the carrying trade between American and foreign ports, or between the ports of foreign countries, should, at the end of each fiscal year, be paid by the collector of the port where registered, on every sail vessel one dollar and fifty cents for each registered ton; on every steamer running to and from the ports of the North American provinces, one dollar and fifty cents for each registered ton; and on every steamer running to and from any European port, four dollars per registered ton; and on every steamer running to and from all other foreign ports, three dollars each registered ton. Also, that in lieu of all duties now imposed by law, a duty of thirty cents per ton be imposed on all ships, vessels or steamers entered in the United States from foreign ports, the receipts of vessels paying such tax being relieved from the tax imposed by section 103 of the Act of June 30, 1864, and that vessels of all classes trading regularly between ports of the United States and Mexico, and south of Mexico down to and including Aspinwall and Panama and ports of the British North American provinces, and with the West Indies, should not be required to pay this tonnage more than once a year. The act to be in force ten years.

This bill was debated in the morning hour during a number of weeks, and several amendments were offered to it.

On May 24, the bill had progressed so far that the pending question was on ordering the main question on its engrossment and third reading.

The yeas and nays were called and Mr. Garfield voted no, and the main question was not ordered (*Globe, 41st Cong., 2d sess.*, 3708).

The vote was very full on this call, the motion failing by only 12 majority.

In the debates which followed, Mr. Lynch, finding the opposition in his own party too great to justify any hope of its passage, so modified his bill as to limit its operations practically to the removal of duties from all imported material going into the manufacture of American ships.

It should be recollected that early in the Forty-first Congress, a special committee of the House had been instructed by resolution to devise some means for the restoration of our perishing commercial marine, and that after patient and diligent investigation a sub-committee, of which Mr. Lynch was chairman, had reported this bill, and it had been fraternized by the special committee.

The bill as now modified by Mr. Lynch simply proposed to allow American ship builders to import materials for ship building, and for ship supplies free of duty.

Mr. Garfield, in opposing the bill, whether as originally offered or as modified, claimed that it gave great advantages to builders of ships for the coastwise trade, which he held had not suffered except by the competition of railroads (*Mr. Garfield had some Credit Mobilier stock*). He said this proposition would take ten millions a year out of the treasury, and that it would not give any relief to our ocean commerce. He contended that for the purposes of foreign trade it was inadequate, and for purposes of the coastwise trade it was unnecessary, and therefore he hoped it would be laid on the table (*Globe, 41st Cong., 2d sess., pp.* 3785, 3786).

On May 27th the bill being again under discussion, Mr. Allison moved to lay it on the table. The motion was lost, but under a call for the yeas and nays Mr. Garfield voted yea (*Globe, 41st Cong., 2d sess., p.* 3862).

On the 31st of May the bill was variously amended and finally reached the stage where Mr. Allison called for the yeas and nays on ordering it to be engrossed and read a third time. The call was sustained, and the motion was lost, Mr. Garfield voting no (*Globe, 41st Cong., 2d sess., p.* 3958).

Mr. Maynard moved to reconsider the vote.

Mr. Allison moved to lay that motion on the table.

The motion was lost, Mr. Garfield voting yea (*Globe, 2d sess., p.* 3959).

The bill was then recommitted to the special committee, where it slept the sleep that knows no waking.

GARFIELD AGAINST THE DISTILLERS OF HIS OWN STATE.

On the 21st of January, 1878, Mr. Blackburn introduced a joint resolution (H. R., No. 90) extending the time for the withdrawal of distilled spirits then in bond, until July first of the same year. The resolution was referred to the Committee of Ways and Means, and ordered to be printed.

At that time there was great agitation throughout the country on the subject of the reduction of the tax on distilled spirits. The subject was pending in the Committee of Ways and Means, and what their action would be was problematical. Meantime persons interested in distilling spirits and holding spirits in bond then under a limitation for one year, were in a disagreeable predicament. All the whisky that had then been in bond for one year had to be drawn out from month to month during the period of this agitation, with the prospect impending of a reduction on the tax. The distiller who was thus forced to withdraw was also compelled to pay a tax of 90 cents per gallon, with the market falling on him in view of the anticipated reduction of the tax. In consequence he was required to pay so heavy a tax, that it withdrew that amount of his capital to be bestowed upon a product that he could not get a sale for. There was danger that a large number of distillers, from whom the government was deriving a very large part of its revenue, would go under in view of these conditions. The abstraction of a large portion of the capital invested from this industry to pay the tax, had the effect to cause many distilleries to stop running, and there was a prospect that many more of the largest distilleries would have to suspend operations. The reduction in the production would be followed by a corresponding reduction in the revenue receipts, and the receipts of the government were likely to be seriously affected unless Congress passed the measure proposed at once.

The Commissioner of Internal Revenue foreseeing what was likely to occur, actually drew up the resolution above referred to, and urged its immediate passage as a measure of necessary relief.

Two days after its introduction it was placed on the House Calendar, and was called up by Mr. Tucker of Virginia.

In the discussion which took place upon it Mr. Garfield said :

> I appreciate all that the gentleman from Virginia [Mr. Tucker] has said in regard to the serious effect upon the business of the country of any threatened change in our revenue laws. Such a change always produces a very serious effect. What he has said on this particular resolution is but one out of many examples of the serious effect produced when the manufacturers of the country are in anticipation of some great and sweeping change, uncertain as yet but probable to come upon their various interests. I think, however, that no wise or just consideration of revenue can properly take out one from the whole mass of our industries and give it exceptional advantages, as this joint resolution proposes to give to the manufacturers of distilled spirits. If this joint resolution be passed and is followed up by a reduction of the tax on whisky, that will amount substantially to this : that all the whisky now in existence and the tax upon which it is suspended under the operation of this joint resolution until the 1st of July next, will escape the present rate of taxation,

and will pay only the reduced rate when it comes. * * * There will be offered when we come to the discussion under the five minutes' rule, an amendment which, if the House is willing to adopt it, will settle all this at once. *I believe we ought not to reduce the taxes at all*, and, therefore, we ought not to pass this resolution (*Cong. Record*, 45*th Cong.*, 2*d sess.*, *p.* 574).

Mr. Sayler caused to be read a letter from the Commissioner of Internal Revenue advocating the passage of the resolution, in which that official said :

> The question of reducing the tax on spirits has already largely affected the withdrawal of spirits for sale, and is seriously affecting the business interests involved. It occurs to me as a very proper thing to do, pending the discussion of this question of reducing the tax, to give distillers the option of allowing their products to remain in bond.

The resolution was debated at some length, and was again taken up on the 30th of January. In the meantime various amendments had been submitted.

Mr. Banning submitted a telegram from distillers of Cincinnati paying $6,000,000 a year taxes on distilled spirits, urging the passage of the joint resolution.

A substitute was offered to strike out all after the enacting clause and insert in lieu thereof, "that the reduction of the tax on distilled spirits is inexpedient." This substitute was adopted, Mr. GARFIELD VOTING YEA (*Cong. Record, 45th Cong.*, 2*d sess.*, *p.* 680).

The resolution as amended was adopted.

GENERAL GARFIELD AND CHINESE IM-MIGRATION.

On the subject of Chinese immigration, which is of such vital importance to the people of the Pacific Coast, Garfield is as usual Janus-faced. His record as a member of Congress is in direct conflict with his letter of acceptance. In his letter of acceptance, dated July 12, General Garfield says :

> The material interests of the country, the traditions of its settlement and the sentiments of our people have led the government to offer the widest hospitality to emigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society, and intending that their posterity shall be an indistinguishable part of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an emigration, either in its purposes or its results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration. Recognizing the gravity of this subject, the present administration, supported by Congress, had sent to China a commission of distinguished citizens for the purpose of securing such a modification of the existing treaty as will prevent the evils likely to rise from the present situation. It is confidently believed that these diplomatic negotiations will be successful, without the loss of commercial intercourse between the two powers, which promises a great increase of reciprocal trade and the enlargement of our markets. Should these efforts fail, it will be the duty of Congress to mitigate the evils already felt and prevent their increase by such restrictions as without violence or injustice will place upon a sure foundation the peace of our communities and the freedom and dignity of labor.

Two letters of acceptance by General Garfield have been published; one of them was printed—presumably before it was revised—July 11, in all the daily papers of Ohio, and was dated July 10. In this one he says of Chinese immigration :

> The question of Chinese immigration is a living and leading topic of the social and political economy of the states of the Pacific. While, as a representative of an Ohio constituency I voted against Chinese proscription, in response to a public sentiment that every representative should be bound to respect, my views as a citizen of the Republic of States, are not compromised thereby. I have given this subject much thought and careful investigation, and am convinced that a servile race, emigrating to this country, not to become citizens. but merely for mercenary gain, should, in accordance with the sentiment expressed in our platform, be restrained from landing upon our shores or invading our territory. Nor can it be argued that citizenship is due the Chinese as much as the children of the continent of Africa. The African makes this country his home. The Chinese refuses either to become a citizen, or to assimilate himself into our social and political fabric.

On the 7th day of January, 1879, the Speaker laid before the House a letter from the Secretary of State of Oregon, transmitting a memorial of the legislature of that state relative to Chinese immigration, which was referred to the Committee on Education and Labor. The petition was ordered to be printed in the Record, and is in substance as follows :

> The Legislative Assembly of Oregon represent that the continued immigration or importation of Cooly slaves or Chinese laborers into that State is a violation of treaty stipulations, which provide that such immigration *shall be voluntary, and is a very serious injury to the laboring classes of the entire Pacific coast*, by the reduction of wages to starvation prices; that such importation tends to drive white and all other free labor out of our country, and ultimately *compel all who subsist by manual labor to the alternative of choosing between starvation and crime*. The petition also states that at least 75 per cent. of all the earnings of said Chinese, or Cooly, slave labor, instead of being in our midst, is sent to China never to return, thus withdrawing the coin from our country and rapidly diminishing our circulating medium, to the great injury of the best interest of the entire Pacific coast. That such labor does not contribute to the wealth and prosperity of the country by the acqui-

sition of property and the payment of taxes, but, by pauperism and crime, are a continual source of expense to the country and municipalities of the Pacific coast states. That the Burlingame treaty of 1868 has never been maintained on the part of China in accordance with its intent and meaning. The right of migration and immigration which it recognizes was to be entirely voluntary, and to be exercised in view of expatriation. That the Chinese have no right to be admitted under the circumstances under which they come—that is to say, in hordes and in a condition of semi-slavery, and obligated to perform a term of servitude. That the privilege accorded to contracting parties was upon condition that the immigration to either country by the subjects or citizens of the other should be a voluntary act. That China has utterly failed to have this condition observed; therefore, the memorialists pray Congress to modify the treaty referred to so as to stop the importation of Chinese and other Asiatic laborers to the Pacific coast (*Record*, 45*th Cong.*, 3*d sess.*, *p.* 361).

Immediately after the ratification of the Burlingame treaty between the United States and China, the so-called Chinese Six Companies of California was organized with a view to speculating in the labor of the Asiatic races. In a short time their operations assumed majestic proportions, and a regular system of *peonage*, similar to that now existing in Mexico, was established, the Six Companies enjoying the profits of the contracts made with the coolies for a term of years. Thus in a few years the labor system of the Pacific coast states was completely revolutionized; the Mongolian people, subsisting on a few cents a day, could starve American free laborers and drive American competition entirely out of the field. This state of things has produced its logical results in California, Oregon, Nevada, and the Pacific coast territories, and is the source of the existing volcanic condition of labor all along that coast to-day.

THE BILL TO RESTRICT CHINESE IMMIGRATION.

On the 14th of January, 1878, Mr. Wren, of Oregon, introduced a bill to restrict the immigration of Chinese to the United States. This bill prohibited the master of any vessel from taking on board at any port of China, or other foreign port or place whatever, more than ten Chinese passengers with intent to bring such passengers to the United States, or from bringing on any one voyage more than ten such passengers within the jurisdiction of the United States, under penalty, on conviction, of payment of one hundred dollars fine for each such passenger in excess of ten, so brought within the jurisdiction of the United States, with imprisonment six months, in the discretion of the court. The bill also provided penalties, imposed liens on the vessels violating the act, and subjected them to libel in any competent court of the United States. It also prohibited our consuls in China from granting certificates for more than ten Chinese passengers on any one vessel.

On the same day, in 1879, Mr. Willis, of Kentucky, reported this bill back to the House from the Committee on Education and Labor, with amendments, and it was ordered to be printed and made the special order for the 28th of January. On the day named, Mr. Willis called up the bill for consideration, and it was read. After some preliminary skirmishing, the report of the committee on the bill was read. The report discusses the question whether it is in the power of Congress to repeal a treaty; dealt with the obnoxious features of the Burlingame compact, and the evils complained of under them, and concluded in the following language:

"That these complaints are not without cause cannot, upon the evidence, be doubted. Your Committee, in a report accompanying joint resolution, H. R. No. 123, at the second session of this Congress, endeavored to present what seemed to them some insuperable objections to Chinese immigration. Further examination of facts only confirms the conclusions therein stated. This whole question is not one of right, but of policy. There is no principle upon which we are compelled to receive into our midst the natives of Asia, Africa or any other part of the world. The character, sources and extent of immigration should be regulated and controlled with reference to our own wants and welfare. The difficult problems, economic and political, resulting from the presence of the red and black races would be renewed in a more aggravated and dangerous form by the yellow race. The Mongolian, unlike the Indian, is brought in daily contact with our social and political life; and, unlike the African, does not surrender any of his marked peculiarities by reason of that contact. It is neither possible nor desirable for two races as distinct as the Caucasian and Mongolian to live under the same government without assimilation. The degradation or slavery of one or the other would be the inevitable result. Homogeneity of ideas, and of physical and social habits,

> are essential to national harmony and progress. Equally grave objections may be urged against the Chinese from an industrial standpoint. Our laboring people cannot and ought not to be subjected to a competition which involves the surrender of the sacred and elevating influences of home and the sacrifice of the ordinary appliances of personal civilization. The question, therefore, is not one of competition, but of a substitution of one kind of labor for another.
>
> No self governing country can afford to diminish or destroy the dignity, the welfare and independence of its citizens. Justice to the people of the Pacific Slope, the dictates of common humanity and benevolence, as well as the plainest suggestions of practical statesmanship, all demand that the problem of Chinese immigration shall be solved while it is yet within the legislative control.
>
> "Governed by these views, your committee present and recommend the passage of the bill accompanying this report."

The bill was then debated, and the amendments considered and agreed to, and the question recurring on engrossing and third reading, Mr. GARFIELD proposed an amendment to prevent the bill from going into effect until the Chinese empire be apprised of the termination of the treaty. Mr. Garfield characterized the bill as one merely for party capital.

The amendment was declared to be out of order.

The motion to engross and pass to a third reading was agreed to, and it was read a third time. On its passage, under a call of the yeas and nays, GEN. GARFIELD DODGED. It was passed, however, by 155 yeas to 72 nays (*Record, 45th Cong., 3d sess., p.* 801).

The Senate considered and passed the bill on the 15th of February, and it came back to the House with amendments.

> Mr. Willis moved to take it from the Speaker's table and concur in the Senate amendments. This was agreed to.
>
> Mr. Garfield: I reserve the right to demand separate votes on the amendments.
>
> The previous question was seconded and the main question ordered.
>
> Mr. Willis moved to reconsider the vote by which the main question was ordered, and also moved that the motion to reconsider be laid on the table.
>
> This motion was agreed to.
>
> Mr. Garfield: I call for separate votes on each amendment of the Senate.
>
> A motion was made to lay the bill and amendments on the table. This motion was lost by 95 yeas and 140 nays. Mr. GARFIELD VOTED YEA (*Record, 45th Cong., 3d sess., p.* 1796).
>
> The Senate amendments were then concurred in.

The bill then went to the President, who, on the 1st day of March, returned it to the House unapproved and accompanied by a veto message. After the message was read, the question was, "Will the House, on reconsideration, pass this bill, notwithstanding the objection of the President? The yeas and nays were ordered, and the result was yeas 110, nays 96. Two-thirds not voting in the affirmative, under the constitutional provision the bill stood rejected. GEN. GARFIELD VOTED NAY (*Record, 45th Cong., 3d sess., p.* 2277), thus clenching his opposition to the passage of the bill, and illustrating his disrespect for the dignity and humanity of American labor, his contempt for the working man of his own race, and his willingness to force white American free laborers into competition for their daily bread with a race that knows no God, no morality and no obligations of social decency.

MR. GARFIELD IS THE EXPONENT OF HIS PARTY ON THE CHINESE QUESTION.

It is plain from the foregoing, that the administration of Mr. Hayes and the Republican party of the United States, stand squarely upon the doctrine enunciated in the votes of MR. GARFIELD in the House upon the bill to restrict Chinese immigration. This is plainly demonstrable from the tone of the veto message of Mr. Hayes, who in it speaks for the party that made him President by monstrous fraud. Mr. Hayes in his veto message says:

> A denunciation of a treaty by any government is, confessedly, justifiable only upon some reason both of the highest justice and of the highest necessity. * * * As the power of modifying an existing treaty, whether by adding or striking out provisions, is a part of the treaty making power under the Constitution, its exercise is not competent for Congress, nor would the assent of China to this partial abrogation of the treaty make the action of Congress, in thus procuring an amendment of a treaty, a competent exercise of authority under the Constitution. The importance, however, of this special consideration seems superseded by the principle that a denunciation of a part of a treaty, not made by the terms of the treaty itself separable from the rest, is a

denunciation of the whole treaty. As the other high contracting party has entered into no treaty obligations, except such as include the part denounced, the denunciation by one party of the part, necessarily liberates the other party from the whole treaty.

I am convinced that, whatever urgency might, in any quarter or by any interest, be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protections. *Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new features of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in promoting this legislation, I cannot but regard the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country.*

It is rendered still plainer when shown as below, that the great apostle of the Republican party, the man who maintained to the day of his death absolute leadership of the Republican organization, and who, when he spoke, never failed to indicate the line of political procedure for the party; gave utterance to sentiments so pronounced in advocacy of the promiscuous influx of Chinese on our shores, as to shock the moral sense of every enlightened American.

HON. OLIVER P. MORTON

was chairman of a joint select committee of the two Houses, to investigate the Chinese question, appointed in 1876, and which during the summer of that year sat at the Palace hotel in San Francisco long enough to compile a volume of testimony making 1,281 printed octavo pages. This testimony was presented to the Senate by Mr. Sargent, one of its members, on the 27th of February, 1877. Mr. Sargent made the report on account of the then illness of Senator Morton, who subsequently gave notice that he would at a future day submit some remarks to the Senate on the Chinese question. He did not live long enough to realize the intention indicated in person; but he left behind him the written manuscript on that subject which he had prepared, and which was, on the 17th of January, 1878, referred to the Senate Committee on Foreign Relations, and ordered to be printed to accompany the report which had been made by Mr. Sargent, his colleague on the committee. Thus the views of that chief apostle of the Republican party speak to-day to the people of California and the country as from the grave.

The pamphlet quoted from is Senate Miscellaneous Document No. 20, 2d session, Forty-fourth Congress, and is entitled

"VIEWS OF THE LATE OLIVER P. MORTON

on the character, extent and effect of Chinese immigration to the United States."

In this document, Mr. Morton starts out with the doctrine that:

A cardinal principle in our government, proclaimed in the Declaration of Independence, in the Articles of Confederation, and recognized by our Constitution, is, that our country is open to immigrants from all parts of the world; that it was to be the asylum of the oppressed and unfortunate. It is true that when the government was formed, and for nearly three-quarters of a century, no immigration was contemplated except from nations composed of white people; but the principles upon which we professed to act, and the invitation we extended to the world, *cannot and ought not to be limited or controlled by race or color, nor by the character of the civilization of the countries from which immigrants may come.* Among the nations of Europe, civilization widely varies, conflicting in many important particulars, and differing greatly in degree. *Nor should the operation of these principles be limited on account of the religious faith of nations.* Absolute religious toleration was regarded by our fathers as of vital importance. Not only were the different sects of Christians to be tolerated, but the deists, atheists, *the Mahommedan and the Buddhist* were to be free to express and enjoy their opinions.

Further along Mr. Morton discourses thus:

As to all other rights of foreigners coming to our shores to work, to trade, or to live and acquire property, we have never made any distinction. To do that now would be a great innovation upon the policy and traditions of the government, and would be a long step in the denial of the brotherhood of man and the broad, humanitarian policy inaugurated by our fathers.

The limitation of the right to become naturalized to white persons was placed in the law when slavery was a controlling influence in our government, was maintained by the power of that insti

> tution, and is now retained by the lingering prejudices growing out of it. After having abolished slavery and by amendments to our Constitution and the enactments of various statutes establishing the equal civil and political rights of all men, without regard to race or color, and, at a time when we are endeavoring to overcome the prejudices of education and of race, and to secure to colored men the equal enjoyment of their rights, it would be inconsistent and unsound policy to renew and reassert the prejudices against race, and another form of civilization by excluding the copper-colored people of Asia from our shores. It would be again to recognize the distinctions of race and to establish a new governmental policy upon the basis of color and a different form of civilization and religion. In California the antipathy to the Mongolian race is equal to that which was formerly entertained in the older states against the negro; and although the reasons given for this antipathy are not the same, and the circumstances of its exhibition are different, still, it belongs to the family of antipathies springing from race and religion.
>
> ### TENDER CONSIDERATION FOR THE HEATHEN CHINEE.
>
> As Americans, standing upon the great doctrine to which I have referred, and seeking to educate the masses into their belief, and charged with the administration of the laws by which equal rights and protection shall be extended to all races and conditions, we cannot now safely take a new departure, which, in another form, shall resurrect and re-establish those odious distinctions of race which brought upon us the late civil war, and from which we fondly hoped that God in his providence had delivered us forever. If the Chinese in California were white people, being in all other respects what they are, I do not believe that the complaints and warfare made against them would have existed to any considerable extent. Their difference in color, dress, manners, and religion have, in my judgment, more to do with this hostility than their alleged vices or any actual injury to the white people of California. The inquiry which the committee were instructed to make does not involve the political rights or privileges of the Chinese. As the law stands, they cannot be naturalized and become citizens; and I do not know that any movement or proposition has been made in any quarter recently to change the law. But the question is, whether they shall be permitted to come to our country to work, to engage in trade, to acquire property, or to follow any pursuit.
>
> But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese cannot be protected in the Pacific States while remaining in their alien condition. *Without representation in the legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.*

But in his solicitude for injecting this race of Joss worshippers, among Americans, and making them citizens, Mr. Morton betrays his adherence to another pet Republican dogma, to wit: That of undeviating hostility to American commerce, and an anxiety and fear that, by restricting the exodus of Chinese from their native shores, we shall interfere seriously with the dominancy of the British carrying trade. In this connection he says:

> ### TENDER CONSIDERATION FOR BRITISH COMMERCE.
>
> In considering any proposition to prohibit Chinese immigration, or to limit it, we must bear in mind the fact, fully established by the evidence, that the Chinese landing upon our Pacific coast come entirely from the British port of Hong Kong. Though subjects of the Chinese Empire, they embark at a British port, and in that respect are invested with the rights of British subjects, and in any legislation or treaty by which we would propose to limit or forbid the landing upon our shores, of Chinamen, or any other class of people embarking at a British port, we must deal with the British Government, and not that of China. With the laws of England, or the marine regulations by which the people of China are permitted to enter a British province and to embark from a British port, we have nothing whatever to do: but it is quite clear that any legislation of ours which would interfere with the landing upon our shores of any class of people embarking at a British port, whether they be Chinese or Japanese subjects, would be an interference with the trade and commerce of that port. It may be an important commercial matter to Great Britain that the port of Hong Kong shall be open to the reception of people from China or any other part of the world who propose to emigrate to the United States or any other country, and if we cut off such emigration, in whole or in part, it is not an interference with the Government of China, for which we should answer to that government, but with the Government of England. Our refusal to permit a Chinaman to land, who had embarked at a British port upon a British vessel, would certainly be a question with the English government, and not with that of China.

THE HEATHEN CHINEE AS GOOD AS ANYBODY.

The following excerpts from this interesting pamphlet will give the intelligent reader an idea of Mr. Morton's honest opinion of the moral and religious condition and capacities for equal citizenship with Americans the race of men whom he was willing to make voters, and to endow with every other right now possessed by the American people:

> The intellectual stagnation in China is the result of their institutions. The minds of men have been diverted from science and the arts to the endless ceremonies and ritual of innumerable gods. It was said long ago that "no people can rise above the plane of the gods they worship"; and Chinese civilization long ago rose to the level of the gieods.

* * * * * * * * * * * *

> Nearly all of them upon their arrival become members of one or the other of the Six Companies in San Francisco, for which they pay an initiation fee, and through that they do their business, make their contracts for labor, make remittances to China, deposit their money, and make arrangements for the return of their bones to China, should they die.
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> * * * * * * * * * * * * ‡
>
> A few families have come, but nearly all the men are unmarried. About five thousand Chinese women have come, the most of them prostitutes, imported by procurers, who manage and dispose of them on their arrival.
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> * * * * * * * * * * * * *
>
> A vice to which they are peculiarly addicted is gambling. This they carry on extensively.
>
> * * * * * * * * * * * * *
>
> A common vice with them is perjury in the courts. The testimony shows them in many instances to have very imperfect conceptions of the obligations of an oath. They are in every respect free men, and no form or semblance of slavery or serfdom exists among them. But it is also true that their prostitutes are imported as slaves, and are often bought and sold for that purpose in San Francisco. It is, of course, a voluntary bondage in this country, but it is submitted to by the miserable beings, who are helpless and defenseless among strangers, and must submit to the will of their masters for the mere matter of existence. In many cases Chinamen who buy them live with them as wives and raise families. Labor must needs be free, and have complete protection, and be left open to competition. Labor does not require that a price shall be fixed by the law, or that men who live cheaply, and can work for lower wages, shall for that reason, be kept out of the country

BAYARD TAYLOR'S TESTIMONY.

But the testimony of another distinguished Republican politician, scholar and political writer may also be given, to show the character and moral attributes of a race whom Mr. Morton and the Republican party were willing to see placed on an absolutely political and social equality with American citizens.

Mr. Bayard Taylor, lately deceased, at the time of his death American Minister at the German Empire, in his work on India, China and Japan, published in 1855, says :

> "It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice, which in other countries are barely named, are, in China, so common that they excite no comment among the natives. They constitute the surface-level, and below them are deeps of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind ; but there was enough in the things which I could not avoid seeing and hearing—which are brought almost daily to the notice of every foreign resident—to inspire me with a powerful aversion to the Chinese race. *Their touch is pollution ;* and, harsh as the opinion may seem, *justice to our own race demands that they should not be allowed to settle on our soil.* Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past centuries."

All the above is Republican testimony ; and it was to impose upon the millions of American citizens who have their homes on the Pacific coast the infliction of a people such as is described and testified to in the extracts made, that GENERAL GARFIELD consented, when he voted against Mr. Wren's bill ; that MR. HAYES consented, when he vetoed that bill ; and that the Republican party of the United States, including MR. GARFIELD, consented, when it sustained that veto in the House of Representatives.

DUTY ON PRINTING PAPER.

On the 3d day of March, 1865, Mr. Garfield voted in favor of increasing the duty on printing paper from *three to fifteen* per cent. *ad valorem.* The bill, as it passed the House, fixed the duty on paper *used exclusively for books and newspapers* at three per cent. When the bill went to the Senate the following amendment was adopted:

"There shall be levied, collected and paid, a duty of FIFTEEN per cent. *ad valorem.*"

Mr. Washburne moved to concur in the Senate amendment, and demanded the previous question.

Mr. Holman called for the yeas and nays, and the question was decided in the negative—yeas 53, nays 67. Mr. GARFIELD recording his vote in the *affirmative.*

Thereupon Mr. Farnsworth moved to lay the amendment on the table, and on a call of the yeas and nays the motion was lost—yeas 46, nays 63.

Again Mr. GARFIELD stood by the monopolists by voting *nay* (*Cong. Globe, 38th Cong., 2d sess., p.*).

MR. GARFIELD'S OPPOSITION TO FOREIGNERS.

On the 8th of March, 1867, at the first session of the Fortieth Congress, Mr. Fernando Wood asked unanimous consent to offer the following resolution:

Resolved, That this House extends its sympathy to the people of Ireland in their pending struggle for constitutional liberty. If the despotic governments of Europe shall be allowed to establish monarchical institutions in America, so should the United States foster and promote the extension of republican institutions in Europe.

Mr Broomall (Rep.) objected. The motion was then to suspend the rules to enable the resolution to pass. The question was taken, and there were 104 yeas and 14 nays. Thirteen of those who voted nay were Republicans, and James A. Garfield was one of that number.

In the *Congressional Globe,* April 17, 1871, first session, part 2, page 735, will be found the following:

Mr. Kinsella: I move a suspension of the rules and the adoption of the following resolution, which I send to the desk.

Whereas, a conference is now being held between joint high commissioners representing the government of the United States and that of Great Britain; and,

Whereas, it is expected and desired that the several questions which keep up unkind feeling between the people of the respective countries shall be settled through the labors of such joint high commissions; and

Whereas, the prolonged incarceration in the prisons of the Dominion of Canada of persons accused of violating the neutrality laws is a source of irritation to a large number of American citizens; therefore,

Resolved, That the President of the United States be respectfully requested to have the case of such persons presented before such joint high commission, to the end that their release may be effected.

James A. Garfield objected, and voted against the passage of this strictly just resolution, showing thereby his hatred not alone of the unfortunate Fenian prisoners referred to in the resolution, who were confined in Canadian dungeons for more than five years, but of the whole Celtic race.

GENERAL GARFIELD'S RELIGIOUS INTOLERANCE.

The Sundry Civil Appropriation Bill of first session, Forty-third Congress, came back from the Senate to the House, with a number of amendments, among which was one giving the sum of $25,000 to a Catholic Institution in Washington, called "The Little Sisters of the Poor."

Mr. **Garfield** opposed the appropriation, because it was to aid an association strictly sectarian. He said that no woman not a Catholic could be a corporator in this charity.

Mr. Butler, of Mass., made the point that there could not be a Catholic in the Women's Christian Association of Washington, a Protestant organization, for which a similar amount had been appropriated.

Mr. **Garfield**, said:

> The association known as the "Women's Christian Association," does not as such belong to any church. The members of that corporation are from various churches. But here is an association whose very title, "Little Sisters of the Poor," is, as I understand, descriptive of an order within the Catholic Church. Here is an organization composed exclusively of people of one religious denomination. Under its charter the members are wholly and only of one religious sect, and of one society within that religious sect.

After brief debate in which Messrs. Hoar and Butler, of Mass.; Cessna, of Pa.; and Parker, of Missouri, took ground in favor of the appropriation, the amendment was agreed to notwithstanding the opposition of **Mr. Garfield** (*see Record,* 43*d Cong.*, 1*st sess., p.* 5584).

CIVIL TENURE—IMPEACHMENT.

Mr. Garfield first voted against the impeachment of Andrew Johnson, but afterwards repented, and became a furious advocate of impeachment. He had supported the Tenure-of-Office Act of March 2, 1867, and held that Andrew Johnson deserved to be impeached and turned out of the presidential office for violating that law in removing Edwin M. Stanton, and appointing Lorenzo Thomas to serve in his place, as Secretary of War. For seventy-five years the Presidents of the United States had exercised the power of appointing and removing the members of their Cabinets, and subordinate executive and ministerial officers. This power was conferred by the Constitution, and had always been so recognized by Congress. But when the Republican majority in the Thirty-ninth Congress discovered that Andrew Johnson was opposed to the policy of perpetuating disunion by keeping the states of the South in subjection to the will of lawless military upstarts, it was proposed to strip the President of all power to aid in restoring and upholding constitutional government. The Tenure-of-Office Act was the first attempt in this direction. It was designed to prevent the removal, by the President, of any officer, for any cause, who was devoted to the scheme of perpetuating the ascendancy of the Republican party.

The best legal minds of the country regarded that law as unconstitutional. The Attorney-General of the United States at the time so regarded it. Even Edwin M. Stanton, the Secretary of War, and a member of Mr. Johnson's Cabinet at the time the act was passed advised Mr. Johnson that it was unconstitutional, and that it was his duty to veto it. President Johnson having made the removal, solemnly declared, in a message to the Senate, that his object was to place the question in such shape that it could be submitted to the courts for decision. If Mr. Johnson can be blamed at all in the matter of this removal of Stanton, it is that he delayed it too long; but his desire to submit the question thus raised to judicial determination, deserves the applause of every honest citizen.

Mr. Garfield trimmed his sails to the wind very closely in discussing civil tenure and impeachment. Of course, he would not have favored the impeachment of Johnson, *if the then acting Vice-President had been a Democrat.* The object of that stupendous farce was to place Ben Wade in the White House, and turn over to the Radical party all the offices of the country, and the whole power of every department of the government. Mr. Garfield found it convenient to abandon, for the time being, his cherished doctrine that the administration was the government. To sustain impeachment it was necessary to set up the theory that *Congress was the government,* whose supreme will Mr. Johnson had not recognized with the alacrity required by the Republican managers.

CIVIL TENURE.

Mr. Butler introduced a bill (H. R. No. 3), to repeal the act of March 2d, 1867, entitled "An Act Regulating the Tenure of Certain Civil Officers." The bill was passed without debate under the operation of the previous question, and on the call of yeas and nays on its passage, MR. GARFIELD DODGED (*Globe, 41st. Cong., 1st sess., p.* 40). The bill went to the Senate, where various propositions were made, all of which finally resolved themselves into the passage, by that body, of a substitute, to amend the Civil Tenure Act, by repealing the first and second sections, and substituting in their place two sections of the following purport:

1st. That every person holding any civil office, or to which he may hereafter be appointed by and with the advice and consent of the Senate, shall be entitled to hold such office during the term for which he shall have been appointed, *unless sooner removed by and with the advice and consent of the Senate*, &c.

2nd. Giving the President power during any recess of the Senate to suspend any civil officer, (except judges of the United States Courts,) until the end of the next session of the Senate, and to designate some one to perform the duties of such suspended officer in the meantime; and thirty days after the commencement of each session of the Senate to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended, and in case of the refusal of the Senate to advise and consent to an appointment in place of any suspended officer, then, and not otherwise, the President was given power to nominate another person for the place of the officer so suspended.

WANTED TO REPEAL THE LAW FOR GRANT'S BENEFIT.

The Civil Tenure Act passed in 1867, for the purpose of preventing Andrew Johnson from exercising the Presidental prerogative to remove obnoxious persons from office, became a plague to the Radical Congress on the accession of Ulysses S. Grant to the Presidency. Such interference with the Executive power as had compelled President Johnson to retain in office, even Cabinet officers who were constantly plotting with his enemies for his overthrow, was at once deemed by the Radical House entirely too unjust to be exercised against Ulysses S. Grant; so the House, under B. F. Butler's domination, made haste to restore to Grant the prerogative they had torn by unconstitutional legislation from Mr. Johnson.

THE SENATE WANTED TO HOLD ON TO ITS POWER.

But the Senate having experienced the advantage of being able to dictate not only Executive appointments, but also Executive removals, was not willing to yield it up even to gratify their idol, President Grant. Hence the amendment of that body to the repeal measure of the House, whereby the Senate made it possible for any officer of the Federal government, howsoever unworthy, corrupt or dishonest, to stay in office so long as he might hold sufficient influence with the Senate to retain him. The Senate amendment went back to the House, and on the 25th of March Mr. Butler called it up from the Speaker's table, and moved to refer it to the Judiciary Committee. During the debate which followed this motion Mr. Butler used this language:

> In other words we have now before us a proposition to clothe the Senate with power to control the appointments made by the executive. Now, I hold that it is against the principles of this government and against the theory of our constitution, that the executive officer of this government shall be called upon to do work when he cannot control, independent of everybody else, the appointments of the officers to do that work.
>
> Why you put in a Collector of Internal Revenue and ask him to collect the taxes; and he cannot do so, because there is a power over him keeping unfit men in office, or giving them encouragement that they wil. be retained in office. President Grant, the Secretary of the Treasury, the Commissioner of Internal Revenue, cannot, while thus hampered, collect your taxes and execute your laws. Let us see where we are. The moment suspension takes place, then comes a quarrel, then comes a struggle in every district in the United States, between the man who has been removed and who hopes to get back and the man who has been appointed and who hopes to retain his place.

> The struggle thus inaugurated will go on in every district for six or nine months, the effort being to see which can bring the strongest influence to bear upon the Senate.

Mr. Butler who had impeached Andrew Johnson, in 1867, mainly because he had resisted the operation of a law so evil in its operations, had come to think in 1869, what he embodied in the words above quoted. At all events, the Senate amendment went to the committee, of which Mr. Butler, was chairman.

Mr. GARFIELD under the call of the yeas and nays voted NO.

Mr. Butler entered a motion to reconsider, and then the House adjourned.

The next day (March 26th), Mr. Butler called up his motion to reconsider the vote by which the bill had been referred to the Judiciary Committee, his announced reason being a purpose to see if an amendment could not be made which would cover the points of difference of the two Houses on it.

GARFIELD STANDS BY THE SENATE.

In the discussion which followed this motion, Mr. GARFIELD got the floor, and in the course of his remarks said:

> I repeat that the whole impeachment trial was based on the proposition that the President alone did not possess the power of appointment *or removal* of any officer to whose appointment the consent of the Senate was necessary. * * * The third article of impeachment which was voted for by the gentlemen from Massachusetts, charged directly that the President had attempted to appoint *and remove* without consent of the Senate while that body was in session. * * * Now, Mr. Speaker, this subject was argued very elaborately in this House, and still more elaborately before the Senate, and this was the ground on which we planted our cause, that the power of removal except by impeachment is not conferred in express terms either upon the President or the Senate, but that it is incident to the power of appointment and that a man is removed from office, except in cases of impeachment only by the appointment of his successor, by and with the advice and consent of the Senate, the appointment so made and so confirmed incidentally working a removal. * * * But as I said before, never by my vote shall Congress give up the constitutional principle, and allow to any one man, *be he an angel from heaven*, the absolute and sole control of appointments to and removals from office in this country. No feeling of pride that I belong to the House of Representatives and must therefore restrain the power of the Senate, shall keep me from doing this great act of justice and leaving upon the statute book the substantial principle of this law. * * * I shall vote against all measures to delay or seriously to modify this bill. I shall vote against non-concurrence. I shall vote to concur in the bill as it comes to us from the Senate (*Globe Fortieth Cong.*, 2d *sess.*, *pp.* 315, 316, 317).

Mr. GARFIELD thus placed on the record his indorsement of the unconstitutional principle, which was nothing less than an usurpation by the legislative power of the Executive prerogative to remove Federal officers for cause without consulting the Senate.

A CONSERVATIVE REPUBLICANS VIEWS.

Mr. BLAIR, of Michigan, who was a member of the same political party as Mr. Garfield took exactly opposite ground. In the course of his remarks, Mr. Blair, said:

> I thank the gentleman from New York (Mr. Davis), for calling the attention of the House to the fact that for the first time in the government of the Uuited States, the aristocratic branch of the government has asserted its power in an amendment to an act which we have given them to have a voice in all removals from office. It says that the President of the United States shall not remove except by and with the advice and consent of the Senate, and for that amendment they ask us to vote. There is the whole question. They ask us to say here to-day for the first time under this government, no removals shall be made except by and with the advice and consent of the Senate. * * * I say that I shall vote for no bill of the sort. * * * I remember that while we come directly from the people with our commission from them, and while the President comes directly from the people and brings his commission from them, the body which sits at the other end of the Capitol does not come directly from the people, but from the legislatures of the states, and I shall resist as much as I can their getting this power into their hands.

After further debate, the motion to reconsider was agreed to, and the bill was taken up. And on the question to non-concur in the Senate amendment to the bill, Mr. GARFIELD on a call of the yeas and nays, voted YEA. So the amendment was non-concurred in. GENERAL GARFIELD stood up all the way through by voice and vote, in favor of concurrence in a proposition so glaringly and monstrously an act of usurpation and tyranny, that even Ben Butler, and Blair of Michigan, denounced it in the unmeasured terms above quoted.

GENERAL C. A. ARTHUR'S CIVIL RECORD.

Gen. Chester A. Arthur succeeded Thomas Murphy, Grant's old pet, as Collector of Customs of the Port of New York, December 21, 1871. Murphy was forced to resign by the pressure of the entire mercantile community of New York, who were outraged by his mal-administration of the custom-house. Gen. Arthur is the political creature of Roscoe Conkling. The Senator from New York ruled the Republican party of New York State with a rod of iron during Grant's administration. He controlled absolutely the vast patronage of the Federal government in the Empire State, and with the power of a despot rewarded his friends and punished his enemies. The New York custom-house is the heart of the Republican machine in New York State, from which vast arteries, like the blood channels in the human body, extend to the remotest sections of the commonwealth. The selection of Gen. Arthur as Collector of Customs made him Mr. Conkling's political lieutenant.

The expenditures annually in the custom-house during Gen. Arthur's eight years service as collector averaged $2,500,000. There were employed in the custom-house during the greater part of his term of office 1,036 regular clerks, exclusive of the appraiser's department, consisting of deputies, clerks, inspectors, weighers and guagers. The immense political power exerted by this band of organized politicians can readily be imagined.

Of the character of Gen. Arthur's administration nothing can be learned, except from reports of Republican officials and commissions appointed by the Treasury Department to investigate the custom-house. The fitness of the Republican candidate for vice-president for election to the second highest position in the land can only be determined by the testimony of his own party associates. Those records are amply sufficient to prove his unworthiness for the high position he has been nominated for. The citizen who was removed from an administrative office by the *de facto* President and Senate of the United States for his faithlessness and incapacity should not be elected to the highest post of legislative honor under the government.

INVESTIGATIONS OF THE CUSTOM-HOUSE.

In 1870 and 1871 the Joint Committee of Congress on investigation and retrenchment investigated the New York Custom-House. Abuses of such magnitude were found to exist there that Collector Grinnell was removed and Murphy was installed in his place. The abuses grew under Murphy, and Arthur assumed the reins. When Murphy resigned, Grant eulogized him. Early in 1877 the Jay Commission, consisting of John Jay, Lawrence Turnure and J. H. Robinson, was appointed to investigate the New York custom-house. Nearly 70 per cent. of the customs revenues are collected at that port, and since 1872, the year following Mr. Arthur's appointment as collector, the receipts from customs had steadily decreased, while the expenses of collection, with the exception of one year, had constantly increased. The following statement, taken from a letter of Secretary Sherman to William A. Wheeler, Jan. 15, 1879, shows the receipts and expenditures alluded to above:

YEAR.	RECEIPTS.	EXPENDITURES.
1872	$148,381,446	$2,301,496
1873	126,824,900	2,373,305
1874	10,972,062	2,466,192
1875	108,590,256	2,668,159
1876	101,745,268	2,516,309
1877	91,056,962	2,306,226

NOTE.—In 1876 there was a reduction of 10 per cent. of all salaries.

The Jay Commission made its first report in May, 1877, and recommended a reduction in the force of employees of 20 per cent. Collector Arthur opposed this reduction and said that a reduction of more than 12 per cent. would cripple the service. The reduction recommended by the commission was ordered, however, and an annual saving in salaries of $235,298 effected. This circumstance proves beyond peradventure the oft repeated charge that men were borne upon the rolls of the custom-house who did no work, and were paid simply for political services.

ARTHUR FALLS OUT WITH THE FRAUDULENT ADMINISTRATION.

The operations of the Jay commisssion were very distasteful to Mr. Arthur. He wanted to be left alone. His chief, Senator Conkling, was sulking in his tent at the indifference manifested towards him by Mr. Hayes. He lost no opportunity of making faces at the Fraudulent Administration. He sneered at its measures and openly spoke contemptuously of the Cabinet. It was but natural that Gen. Arthur should share the opinions of his chief. Threats of a change in administration of the custom-house were heard, but Mr. Conkling defied the Administration to do its worst. John Sherman claimed that neither collector Arthur nor Naval Officer Cornell were in sympathy with the reforms recommended by the Commission. In the Fall of 1877 Mr. Arthur was requested to resign. The kind invitation was not accepted, and in September following Mr. Theodore Roosevelt was appointed Collector, and L. Bradford Prince Naval Officer of the Port of New York. The Senate met in December, and on the 13th of that month Mr. Hayes's nominations were rejected. The defeat of Roosevelt and Prince was due to the personal appeals of Mr. Conkling to his brother Senators. In July, 1878, Gen. Arthur was suspended, and Mr. Hayes appointed E. A. Merritt collector and Mr. Burt naval officer to succeed Mr. Cornell. Mr. Conkling having won one victory did not propose to abandon the fight.

As soon as Congress met in the following December the New York nominations were referred to the Committee on Commerce, and on the 27th of January, 1879, they were reported to the Senate with an adverse recommendation. It was at this stage of the proceedings that the Republican candidate for Vice-President was arraigned by the Secretary of the Treasury and his unfitness to retain public office shown in a manner which caused the prompt confirmation of his successor. On the 15th of January, 1879, John Sherman sent to the Senate the following Executive communication. It is an able exposition of the abuses which have grown up in this important department of the public service, and a clear statement of the manner in which those abuses were fostered by Gen. Arthur. The letter is as follows:

GENERAL ARTHUR'S MALADMINISTRATION.

TREASURY DEPARTMENT,
Jan. 15, 1879.

The Hon. WILLIAM A. WHEELER, President of the United States Senate:

SIR: I have the honor, by direction of the President, to transmit to the Senate the inclosed official reports to this Department relating to the abuses and irregularities in the New York Custom-House, and bearing upon the nominations pending in the Senate of Edwin A. Merritt, for Collector of Customs at the Port of New York, in place of Chester A. Arthur, suspended; and of Silas W. Burt as naval officer at that port in place of Alonzo B. Cornell, suspended. I beg to add a fuller statement of the causes that led to these nominations and suspensions than appears upon a public record.

The management of the Customs Service has for several years been open to much criticism in Congress, in the press, and in popular and business circles, founded upon alleged arbitrary abuses by the officers, and upon undervaluation and frauds. When I entered this office, I determined to make a full examination into these allegations, and into the existing methods of conducting the customs business, with a view to economy and reform, not only at New York, but at every other port of the United States.

The President took great interest in the matter, and heartily supported the measure proposed. The examinations were made mostly by committees of private citizens, and resulted in a large saving and many reforms.

Naturally the Port of New York, where about 70 per cent. of the duties on customs is collected, attracted the chief interest. It appears that for a series of years from 1872, the receipts from customs at that port have constantly diminished, while the expenditures have, with the exception of but a single year, steadily increased, as is shown by the following statement:

YEAR.	RECEIPTS.	EXPENDITURES.
1872	$148,381,446 00	$2,301,946 00
1873	126,824,900 00	2,373.305 00
1874	110,972,061 95	2,466,122 00
1875	108,590,256 44	2,668,159 07
1876 Reduction of all salaries 10 per cent	101,745,268 54	2,516,309 18
1877	91,056,967 67	2,606,226 61

THE JAY COMMISSION.

Consisting of two eminent citizens of New York and one officer of the Department of Justice made a very full and elaborate examination of the methods of business in the custom-house at that port, and their reports, copies of which I have the honor to send you, show great abuses.

It appears from their first report that in May, 1877, there were in the collector's office 923 persons; in the naval office 81, and in the surveyor's office 32, making in all 1,036 permanent employees in the custom-house, exclusive of the appraiser's department, consisting of deputies, clerks, inspectors, weighers and gaugers, and that this number could be safely reduced 20 per cent. This reduction of 20 per cent. was opposed by Collector Arthur.

The second report shows that it was a common practice among entry clerks, withdrawal clerks, liquidating clerks, weighers, gaugers, inspectors and storekeepers to receive from importers and brokers irregular fees, emoluments, gratuities and perquisites in the nature of bribes.

This practice was a matter of general notoriety in the custom-house, and it does not appear that any effort was made by the collector, naval officer or surveyor to suppress it. * *

The third report shows that the gravest irregularities existed in the department of weighers and gaugers; that the larger number of the thirteen weighers and eight gaugers rendered but little, if any, personal service to the government; that the weighers' fireman performed but little service; that the weighers' clerks in some instances performed no duty; that in most, if not all, the weighers' offices men were hired as employees, and assigned to do the work of the regular clerks; that the number of laborers thus assigned varied from four to eight persons in each weigher's office; that the men so assigned had but little duty to perform; that persons were borne on the pay-rolls as laborers as a

REWARD FOR POLITICAL SERVICES

who performed no service except to sign their names to the rolls and receive their pay; that a part of the weighable merchandise was not weighed by the government officers, but by city weighers, who furnished memoranda upon which the United States' weighers rendered their returns; that a part of the weighable goods were not weighed at all, but the marked weights on the packages were copied off and returned by the weighers as if weighed; that the weighers had adopted a schedule of irregular fees, which they illegally collected from merchants for special returns and copies of weights, delaying to make returns to the custom-house until the importers paid these irregular fees; that by reason of these irregularities the cost of weighing and gauging imported goods at the port of New York had increased to the enormous sum of $346,524.80 per annum.

These evils were known to Collector Arthur, yet he made no attempt during his term of office to remedy them. * * * The existence of all these irregularities was subsequently verified by independent investigations made under my direction.

* * * * It appears also from the evidence on file in this department that a vicious practice had for a long time existed of granting free permits for imported goods without authority of law. * * * From a detailed statement on file in this department, it appears that over two hundred of such permits were granted from March, 1874 till May, 1875. The value of the goods thus illegaly delivered free of duty amounts to a very large sum. In a single instance the value was $53,000. The total value it is impossible to estimate, from the fact that except in a very few cases no appraisement was had. From inspection of the papers it is apparent that much of this merchandise, if it had been properly entered and appraised, would have been subject to duty. The government has, therefore, by this illegal practice, lost a very large sum.

ARTHUR'S COMPENSATION.

* * * During the period of his service his compensation amounted to $155,860.36, a detailed statement of which is herewith transmitted. An officer, charged with the high duties of the Collector of the Port of New York, and receiving such compensation, ought properly to be held responsible for all abuses that grew up or continued during his term of office ; and the existence of such abuses is sufficient, if within his power to correct them, to justify his removal.

The President was strongly of the opinion, upon the reports of the Jay Commission, that the

PUBLIC INTEREST DEMANDED A CHANGE

in the leading offices in the New York Custom-house. I preferred to try to execute the reforms proposed with Mr. Arthur in office, rather than a stranger. The President acquiesced in this view, but gradually it became evident that neither Mr. Arthur nor Mr. Cornell was in sympathy with the recommendations of the Commission, and could and did obstruct their fair execution.

The President became entirely satisfied that it was his duty to make a change in both offices ; but, with the view of consulting the Senate, this was postponed until the beginning of the following session, when Messrs. Roosevelt and Prince were nominated for the offices of collector and naval officer. The Senate, however, deemed it best not to confirm these nominations, and, without further controversy or any attempt or desire to send to the Senate other nominations, Messrs. Arthur and Cornell remained in their positions.

NO HOPE OF SECURING REFORMS.

A very brief experience proved that any hope of carrying out any systematic reforms or changes in the mode of conducting the business would be abortive while the collector held his position. The same system, the same persons, the same influences prevailed as before. * * * General Arthur did not give that personal attention to the business of the office that would seem to be necessary for the proper discharge of its duties. He did not usually arrive at his office until after noon. Continued complaints came from other ports of entry that unconstitutional discriminations were made in favor of the port of New York by the methods of conducting business at that port ; that allowances for damages, not permitted at other ports, were made ; that a system of undervaluations prevailed : and that, by these means, important branches of business were turned from their usual course almost exclusively to the port of New York, causing reduction of the revenue and injustice to other ports and to the people of the United States.

I respectfully call your attention to the report of General Appraiser John F. Meredith and Special Agents N. W. Bingham and B. H. Hinds, of the date of July 17, 1878, a copy of which is herewith transmitted. These gentlemen having had long experience in the customs service, were directed to examine into alleged irregularities in the administration of the customs laws in the chief ports of the United States, and the general result of their examination is disclosed in their report. From the testimony taken and the documents referred to by them, all of which will be placed at your service, it would appear that the system of frauds complained of, including undervaluations, false classifications, improper weights and measures, and illegal damage allowances, was clearly proven. These officers say, in regard to Collector Arthur :

A NEGLIGENT PUBLIC OFFICER.

It came to our notice early in our investigation that the collector, as a rule, neglected to appear at his office until Friday or after. * * * . A neglect of duty so conspicuously displayed in the presence of a large corps of subordinates, must inevitably have produced a very demoralizing effect, upon the *morale* of the office, and it is particularly lamented, as it occurred at a port of the magnitude of New York, where over twelve hundred subordinate officers are employed, and where nearly seventy per cent. of the entire customs duties of the country is collected.

In this connection we would respectfully call attention to our special report in relation to certain practices of

SPECIAL DEPUTY LYDECKER,

and to the several reports in relation to him of a similar character, which, as we are informed, have heretofore been submitted to you. We were surprised to learn that Collector Arthur, after having been advised of the connection of his special deputy, Mr. Lydecker, with

SCHEMES TO DEFRAUD THE GOVERNMENT,

and after proofs of such official misconduct had been submitted to him, still appears to repose in Lydecker the most implicit confidence, and to allow him to practically control the business management of the office. We found that the more honest and intelligent officials at the custom-house had long had reason to distrust Mr. Lydecker's integrity, and that the influence exercised by him over the collector had been for a long time the subject of comment among them. This matter, as well as the collector's neglect of office hours, was repeatedly referred to in an unfavorable manner by the merchants who were associated with us in the early part of our investigation at this port.

It would appear, also, from the special report made by the same officers, of the date of June 25, 1878, that Mr. Lydecker, the chief deputy, had been guilty of certain neglect and fraudulent practices therein stated. I also inclose a copy of a report of the date of May 2, 1878, made by Assistant Secretary French and J. H. Robinson, Assistant Solicitor of the Treasury, relative to the abuses and irregularities in the New York custom-house.

These documents, together with many detailed reports of officers of this department, convinced me, after several months' trial and consideration, that without any arraignment of the personal character of the collector and naval officer, the

PUBLIC SERVICE DEMANDED A CHANGE

in the incumbents of these offices. Some time after the close of the session of Congress, and after the experiment had been fully tried, the President suspended these officers and appointed General Merritt, then surveyor of the port, as collector, and Mr. Burt as naval officer. Mr. Burt had been for years, practically, the naval officer, and had conducted the business with fidelity and skill, to the satisfaction of all. Mr. Cornell held simply a sinecure position, the real duties being discharged by his deputy, and Mr. Burt is now performing the duties both of naval officer and those formally discharged by him as comptroller, the latter having been discontinued.

* * * * It is respectfully submitted that, under the circumstances, the restoration of Messrs. Arthur and Cornell would be a serious injury to the public service, involving a loss of public revenue and an increased revenue. It would establish a constant irritation and struggle between old abuses that existed and reforms that are sought to be accomplished. It would destroy the discipline of the department; for, after all, the collector of customs is but a subordinate of this department, and though possessed of great powers, can do but little without the sanction of the Secretary, but he may seriously obstruct the department in the conduct of business according to its ideas and plans.

IMPORTANCE OF THE NEW YORK COLLECTORSHIP.

It has been the established custom that this great office should be held as an administrative office, like that of a Cabinet minister; for the officer who collects over two-thirds of the revenue from customs performs functions equal to those of a Cabinet minister; but the law requires constant supervision and approval of his acts by this department.

To require this business to be performed by persons in hostility to the general policy of the administration, would create discord and contention where there ought to be unity and harmony. It would be unjust to the President and personally embarrassing to me in the discharge of my duties to have the office of collector of customs at New York held by one who will not perform his duties according to the general policy of the department. * * * *

I have the honor to be, very respectfully,

JOHN SHERMAN, Secretary.

HON. WM. A. WHEELER, President of the United States Senate.

Collector Arthur addressed a letter to Senator Conkling, in reply to the communication of the Secretary of the Treasury. Gen. Arthur attempted to justify his administration of the custom-house, but signally failed. On the 31st of January, John Sherman wrote a letter to the President on the subject of the abuses in the custom-house, which Mr. Hayes immediately transmitted to the Senate, with the following communication :

R. B. HAYES' OPINION OF ARTHUR.

To the Senate of the United States;

I transmit herewith a letter of the Secretary of the Treasury, in relation to the suspension of the late Collector and Naval Officer of the Port of New York, with accompanying documents. In addition thereto I respectfully submit the following observations :

The custom-house in New York collects more than two thirds of all the customs revenues of the government. Its administration is a matter not only of local interest merely, but is of great importance to the people of the whole country. For a long period of time it has been used to manage and control political affairs.

The officers suspended by me are, and for several years have been, engaged in the active

PERSONAL MANAGEMENT OF THE PARTY POLITICS

of the city and state of New York. The duties of the offices held by them have been regarded as of subordinate importance to their partisan work. Their offices have been conducted as a part of the policical machinery under their control. They have made the custom-house a center of partisan political management.

The custom-house is a business office. It should be conducted on business principles. General James, the Postmaster of New York City, writing on this subject says : "The post-office is a business institution and should be run as such. It is my deliberate judgment that I and my subordinates can do more for the party of our choice by giving the people of this city a good and efficient postal service, than by controlling primaries or dictating nominations." The New York custom-house should be placed on the same footing with the New York post-office. But under the suspended officers the custom-house would be one of the principal political agencies in the state of New York. To change this, they profess to believe, would be, in the language of Mr. Cornell, in his response, "to surrender their personal and political rights."

Convinced that the people of New York and the country generally wish the New York custom-house to be administered solely with a view to the public interest, it is my purpose to do all in my power to introduce into this great office the reforms which the country desires.

With my information of the facts in the case, and with a deep sense of the responsible obligation imposed upon me by the Constitution "to take care that the laws be faithfully executed," I regard it as my

PLAIN DUTY TO SUSPEND THE OFFICERS IN QUESTION,

and to make the nominations now before the Senate, in order that this important office may be *honestly* and efficiently administered.

R. B. HAYES.

EXECUTIVE MANSION, January 31, 1879.

SHERMAN ARRAIGNS ARTHUR FOR "UNLAWFUL PRACTICES, FRAUGHT WITH GREAT DANGER TO THE REVENUE."

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 31, 1879.

THE PRESIDENT: The letter of Mr. C. A. Arthur, late Collector of Customs at New York, of the date of the 21st inst., to the Hon. Roscoe Conkling, Chairman of the Committee on Commerce of the Senate, was first seen by me in the New York *Tribune* of the 28th inst.

On the 23d inst., and before Mr. Arthur's letter was acted upon by the committee, I caused to be delivered to the chairman of the committee a request for a copy of it, to enable the department to verify any statement in its letter of the 15th inst. which might be disputed by Mr. Arthur, and to present such answer to his allegations as would place the whole case before the Committee.

To this request no answer was made, and I am not now advised whether it was communicated to the Committee. It is to be presumed that it was not done, for it appears by the public journals that the committee acted upon the nominations before an opportunity had been given to the department to establish the reasons stated by it for the suspension of Mr. Arthur.

READY TO SUPPLY THE PROOFS.

I now repeat that all the allegations stated in department lester of the 15th inst., are susceptible of closest proof, and the department is prepared to verify them if it is the pleasure of the Senate to give the opportunity.

Mr. Arthur thinks that if the department letter of the 15th inst. contains all that can be said against his administration of the office of collector, his suspension is directly contrary to all the professions of your administration, and a violation of every principle of justice. This is a matter of opinion as to what constitutes just cause of removal. If to secure the removal of an officer it is necessary to establish the actual commission of a crime, by proofs demanded in a court of justice, then it is clear that the case against Mr. Arthur is not made out, especially as his answer is held to be conclusive without reference to the proofs on the public records and tendered to the committee and the Senate.

But if it be held, that to procure the removal of Mr. Arthur it is sufficient to reasonably

ESTABLISH THAT GROSS ABUSES OF ADMINISTRATION

have continued and increased during his incumbency; that many persons have been regularly paid on his rolls who rendered little or no service; that the expenses of his office have increased while collections have been diminishing; that bribes, or gratuities in the nature of bribes, have been received by his subordinates in several branches of the custom house; that efforts to correct these abuses have not met his support, and that he has not given to the duties of his office the requisite diligence and attention, then it is submitted that the case is made out. This form of proof the department is prepared to submit. * * * *

That the mode of conducting public business in the custom house in New York during the entire administration of Mr. Arthur as Collector, was subject to grave criticism is hardly a matter of dispute. The developments made by the Committee of the Senate in 1872, of which Mr. Buckingham was chairman, excited the attention of the country. The abuses which sprang out of the moiety system were fully disclosed by the examination and discussion that preceded the passage of the Anti-moiety Act of 1874. Numerous reports of special agents called the attention of the department to existing irregularities. * * * * Mr. Arthur, himself, claims credit for attempts to bring about reforms, and admits that at the beginning of his administration there was a necessity for a very large reduction of expenses. Kindred abuses which it was believed had crept into the public service in all parts of the country, led to a general examination of the methods of conducting the customs business in the chief cities of the United States. The Jay Commission was organized to conduct such examination at the port of New York.

MR. ARTHUR COMPLAINS OF THE PERSONNEL OF THIS COMMISSION AND THE MANNER OF PURSUING ITS INQUIRIES.

It appears from the correspondence with Mr. Arthur that he was both personally and by letter consulted as to the persons forming this commission.

He came to Washington on the 14th of April, 1877, and was fully advised of the object of the investigation. He was authorized to, and did, confer with each member of this commission, and selected Mr. Turnure as one of them. It was the desire of the department that Gen. John A. Dix, formerly naval officer, should be the chairman of the commission, and, through Mr. Arthur, he was invited to accept that position, but the dangerous illness of his son prevented him from accepting. Mr. Arthur then tendered the position to Mr. Royal Phelps, of New York, but he, too, declined. Then, with the concurrence of Mr. Arthur, Mr. Jay was named by the department as chairman, and he, with great reluctance, consented to serve in that position. Mr. Robinson, the third member of the commission, is an officer of the Department of Justice, holding the position of Assistant Solicitor of the Treasury. No special agent or officer of this department served on the commission, and I never heard any objection to any member of it made by Mr. Arthur until after its report. The two citizens selected on the commission were of opposite politics, and men of eminent position and high character.

He complains of the mode of their proceeding; but it appears that he testified before them that every person he requested to be called was called and examined, and every opportunity was given to him to present his view of the facts. * * * * * * His complaint of unfair treatment by the department is entirely unfounded. He states that the first notice of his intended removal was accompanied with an offer of an

IMPORTANT FOREIGN APPOINTMENT

under another department of the government. This statement is entirely inconsistent with the pretense that he was treated unjustly.

In September, 1877, after the first two or three reports of the commission, Mr. Arthur freely talked of resigning—said he had private business that demanded his attention; that the passage of the anti-moiety act had greatly reduced the compensation of the office, and that he had no great desire to retain it. * * * *

In seeking his resignation I earnestly desired to avoid controversy in the Senate at the beginning of your administration. Changes had been made during the count of the electoral vote in the tenure of offices in New York that I believe indicated that any change made by the present administration, however important to the public service, would be contested.

THE TENURE OF OFFICE ACT,

of which your predecessor complained, left it within the power of the Senate to compel you to employ, in the discharge of the most delicate executive duties imposed upon you by the constitution and the laws, persons whom you believed unfit to be trusted with such duties, and the well known practice in the Senate to defer largely to the Senator representing the party in the state where the office is located, made it at all times difficult and sometimes impossible to make the necessary changes.

When Mr. Arthur declined to resign, I still hoped that the reforms suggested by the commission might be executed by him, and the voluminous correspondence of the department will show the difficulties encountered and the kindly action of the department to Mr. Arthur. If I committed any fault in connection with this matter, it was in not concurring heartily and promptly *in the logic of the reports which demanded a change* in the leading officers of the custom-house. * * *

The Senate having rejected the nominations, Mr. Arthur continued in the office. The correspondence will show that after that time every proper effort was made to secure his co-operation in the necessary reforms, but without success, except in an unwilling way that

OBSTRUCTED WHILE CONSENTING.

I come now to the specific charges to which he replies; and, first, as to the gratuities in the nature of bribes given to clerks and other employees. * * * * *

The evidence taken shows that most of the witnesses who were interrogated on this point, testified that gratuities were constantly received. It was in testimony with regard to inspectors, that they were anxious to be sent to discharge *steamers* rather than sailing vessels, because they were paid by the owners of the steamships

A GRATUITY OF FROM TEN TO FIFTY DOLLARS,

technically called "*house money.*" The agent of one of the lines stated that thirty dollars was paid to each inspector discharging their steamers as "house money." The agent of another, testified that perquisites were constantly paid to inspectors for discharging vessels; that the shorter the time the vessel was to be in port the larger the amount paid; that the inspectors received a gratuity for permitting the vessel to discharge before the custom-house permit reached the ship; that if these fees were not paid, the inspector had it in his power to delay the vessel in many ways, and that it was merely a question between the owner and the inspector as to how much it was worth to the former to obtain these facilities; that is, whether it was cheaper to pay the inspector a gratuity for obtaining these facilities than to have the inspector stand upon the strict letter of the law, and throw obstructions in his way. It was also in testimony that other irregular fees were constantly received by inspectors, customarily called

"HATCHETS" AND "BONES,"

"hatchets" being fees received from merchants for the privilege of holding their goods on the dock, instead of going into the general-order store at once, and "bones" being paid by passengers for favors extended to them "in the examination of their baggage." With regard to weighers it was testified that there was a complete list of irregular fees adopted by all of them, to be exacted of merchants for supplying copies of weights. These fees ranged from two cents to thirty cents a ton for iron and other metals, and a schedule upon which the foreman of the weighers was accustomed to make the demands, shows in detail the amount to be collected upon each barrel, package and bag, upon rice, sugar and many other articles. It was also distinctly testified, that the collector's entry clerk received fifteen cents for each entry from brokers and merchants, for facilities in passing the entries.

THE RECEIPT OF THESE IRREGULAR FEES

for entry withdrawal, export entry and refund clerk was afterward fully shown from the books of the custom-house.

In addition to all this it is clear, from letters addressed to the Jay Commission, by the collector, naval officer and surveyor, in regard to this very question, that the practice of taking illegal fees was well known. * * * Mr. Arthur speaks of my action in relation to the retaining in office a certain entry clerk and an inspector shown to have received money from brokers. But the evidence before me was clear that and conclusive that this practice was common to all such clerks. * * * The reply of Mr. Arthur to the charge made by the department "that a vicious practice has for a long time prevailed of allowing free permits for imported goods without authority of law," is a complete evasion of the charge. It is true that the law allows certain goods to be admitted free of duty after a lawful examination by proper officers, and it is the daily practice in accordance with the law to issue permits for that purpose, but these are not the permits of which the department complains, but permits issued by the collector and deputy collector without authority of law for the

FREE ENTRY OF GOODS SUBJECT TO DUTY

without examination and without appraisement, and as a matter of favor to individual persons. Such a practice, whether of long or short duration, opens the door to fraud, invites the commission of like frauds by all subordinates, and exempts friends and favorites from equal burden of the revenue laws. * * * As these permits were granted in most cases without lawful examination of the goods, it is impossible to tell how great or how little was the value of the goods thus illegally admitted, or whether they conformed to the invoices. The single case referred to by Mr. Arthur, * * * where the value was alleged to be $53,000, was cited simply as an instance that these illegal entries are not articles of trifling value, and in that case it is admitted that no examination or entry of the goods was made in conformity to law. * * * In the case to which reference has been made, Mr. Lydecker issued an order to the inspector at the importing vessel to send the package to the importer's place of business, and the merchandise was thus delivered without question.

The record shows, that for years, under Mr. Arthur's administration these

IMPROPER PRACTICES WERE OF ALMOST DAILY OCCURRENCE,

and the articles thus permitted to pass without entry or payment of duty embraced merchandise in many instances of very considerable value, such as horses, carriages, jewelry, cases of wines, brandies and other liquors, cases of cigars, and packages the contents of which are not known, and may have been of great value. These unlawful practices fraught with

GREAT DANGER TO THE REVENUE AND TO THE REPUTATION OF HONEST MEN,

Mr. Arthur treats as trivial in character and scarcely worthy of mention. The particular cases are not stated here, as injustice might be done to persons in this way, but, if desired, a full statement of all the facts shown upon the records will be given of these cases, from which it will appear that they are not "the harmless free permits granted in the ordinary course of business to free goods," but are in violation of law, of dangerous example, and, if permitted, can be made the cover of fraud to any extent with litle danger of detection.

I stated that clerks engaged in making statements for refunds in the well-known "Charges and Commissions" cases received gratuities for the work done by them for the attorneys themselves, who were pressing these cases before the Courts and Department.

In what manner does Mr. Arthur answer this grave charge? He begins by explaining that several years since it was the custom for the attorneys to compel the referee by subpœna to produce before himself the papers lodged in the custom-house, and while in his hands to permit the calculation to be made by persons employed by the attorneys; that the practice was afterwards changed at the suggestion of the Solicitor of the Treasury for the reason that it would be better to employ clerks in the custom-house, as then the original entries and invoices would not be removed from the custody of the government.

In accordance with this suggestion, clerks were employed on this work and, of course, Mr. Arthur states, they were

PAID BY THE IMPORTERS

and their attorneys, the work being outside of government hours and not done for the government.

It will thus be perceived in the statement of Mr. Arthur himself, that under his collectorship, as a matter of course, clerks were allowed to receive illegal fees from importers and their attorneys, pressing claims for refund, many of which were without foundation. * * * *

It appears from documents submitted to the House of Representatives and oral statements made to the Committee on Appropriations in the presence of the attorneys for these claims, that forged protests were introduced in many cases to give jurisdiction in such cases; that there was a failure to plead the statute of limitations; that the amount already paid on these antiquated claims is $1,980,000; and that there are still claims pending, all of which are over fourteen years old, which if allowed, would require the further sum of at least $750,000. It is now contended by the Department of Justice before the courts of New York, that the great body of

THESE CLAIMS ARE FRAUDULENT.

While Mr. Arthur admits that expenses increased and receipts from the revenue steadily diminished during his administration, he claims that there were improperly, if not illegally, charged to the expense of collection large amounts over which he had no control, and which, in strictness, had nothing to do with current expenses.

But, leaving out of consideration the extraordinary expenses to which he refers, as well as those incurred by the Naval Office and Surveyor's and Appraiser's Department, it is shown, by the accompanying tabular statements, made up by the treasury registers, giving the number and compensation of the employees in the several divisions of the collector's office, and of the weighers, gaugers and inspectors, all appointed upon the nomination of the collector, that the force and expenses of his own department increased steadily from the date of assuming his duties as collector to the 30th of June, 1874, in number 251 persons, and in amount $364,574 more than in 1871, and this in the face of the fact that the receipts had fallen off in the time mentioned many millions of dollars. * * * * *

INCREASE OF EXPENSES BY GENERAL ARTHUR.

In the collector's immediate office it is seen that the force and expenses were increased from eight persons and $13,200 in 1872, to eighteen persons and $36,700 in 1877. * * * * Mr. Arthur compares the cost of weighing for the year ending June 30, 1872, with the cost for the year ending June 30, 1873, showing a decrease in favor of the latter year of $7,767.91.

When it is considered that *tea* and *coffee* were made free July 1, 1872, and that there were, therefore, many millions of packages weighed in 1872 for which there was no corresponding expense for 1873, the ingenious character of this defense will be appreciated, especially as free tea and coffee were not forgotten when a decrease of revenue receipts was to be accounted for.

Mr. Arthur assumes that in my letter of the 15th he is held responsible by the department for the falling off of the revenue, which in fact was caused by the reduction of taxes. No such accusation was made against him, but it is insisted that while by law taxes were reduced, and the labor of his office diminished, the expenses were increased. * * * * *

Two of the weighers directly state that the receipt of these [illegal] fees was a custom long established, and known to and approved by the collector and surveyor of the port. * * *

Mr. Arthur attempts to defend his deputy against the charges contained in the Meredith Commission by characterizing them as "stale," referring to the fact that the transaction occurred ten years ago * * * * The evidence in relation to the principal charge, and which is most conclusive and unanswerable, was first brought to the attention of the department by said report. This evidence consists of orders issued by Mr. Lydecker that appeared upon the fraudulent entries and invoices in his own hand and over his own signature. * * *

It is submitted whether the Statute of Limitations, which may operate as a bar to criminal prosecution and so enable a guilty officer to escape the punishment of the law, can properly be urged for the purpose of securing his retention in office. * * * * Among the reports to this department, to which attention was called by Messrs. Meredith, Bingham and Hinds, in their report of July 17, 1878, as reflecting upon the official conduct of Special Deputy Collector Lydecker, is a report by a special agent, dated March 13, 1876, in which are described the following cases:

FRAUD COMMITTED BY LYDECKER.

1st. A firm of theatrical managers, in New York, in January, 1875, made two entries of stage scenery, stating the value as $3,000. These were passed free by Mr. Lydecker as "*tools of trade*," in violation of law.

3d. An actress, January 5, 1875, imported silk and velvet dresses which were sent as samples to the appraiser's office, and returned by the appraiser as of the value of $400, and subject to a duty of 60 per cent. By order of Lydecker, in direct violation of law, these dresses were admitted to entry *free of duty*. A triplicate invoice on file in the custom-house shows that they were purchased goods, and the value given in the invoice is the equivalent of $575, duty upon which would amount to $340. * * * *

4th. A dressmaker imported three cases of merchandise which were sent by order of said Lydecker directly to her store (falsely described as *public store*) without entry. * * *

It has come to the knowledge of the department that these cases were selected by the specia agent as samples of a large number of transactions, extending over more than two years, where the same facilities for fraud had been extended to the same person by the said Lydecker.

Mr. Arthur admits that he did not sometimes reach the office at the hour when by law it is open to public business, but intimates that the time after office hours that he spent at the custom-house was an off-set. His presence after office hours could be of little use to the public. I am advised by persons entirely familiar with the subject, that the time of Mr. Arthur, when at the custom-house, was often

OCCUPIED WITH OTHER THAN GOVERNMENT MATTERS.

That it was sometimes difficult for a merchant, who was dissatisfied with the ruling of a subordinate, to obtain a hearing. It is susceptible of proof that he habitually did not arrive there until after noon, and was, therefore, absent during a period when his attendance was necessary to the transaction of public business, and this was especially so after the action of the Senate upon the nomination of his successor.

The watchful care of a collector at a port of such importance as New York over the action of his subordinates in their methods of doing business, is at all times imperatively necessary for the protection of the revenue.

In a case which has come to light since the retirement of Mr. Arthur, it has been shown tha goods upon which the duties amounted to $120,000 were delivered to the parties without payment of any duties to the government. and in a suit to recover these duties, it is claimed by the importers that the unlawful delivery was due to the

NEGLIGENCE OR SOMETHING WORSE

on the part of the customs officers under the charge of Mr. Arthur.

* * * * * * * * * * * * *

It soon became apparent, after January, 1878, from the daily business of the department with the New York custom-house, that anything like harmony or heartiness in the administration of the duties of collector could not be brought about while Mr. Arthur remained in office, and, therefore, after full trial, I reccommended his suspension. * * * * The letter of Mr. Arthur, carefully written, with full knowledge of, and access to, all the public records, and his familiarity with them, is controverted by the careful investigation of the Jay Commission, by the testimony submitted herewith, by the reports of the special agents, and by the Meredith Commission, together with my well-considered opinion, based upon the business as it was brought before me officially, and your own personal examination of the different reports submitted to you. * *

It will be expected by the public that you see that these officers act in harmony with your policy in correcting all abuses that are developed, and securing all possible reforms, and, if they, in your opinion, fail, that you shall exercise the power given to you by the constitution to secure officers who will do so. * * * *

Very respectfully,
JOHN SHERMAN, Secretary.

CIVIL SERVICE REFORM.

For thirteen years the Republican party has discussed the question of reform in the Civil Service. During those years one attempt was made to inaugurate such a reform. It was abandoned after less than two years trial. The term "Civil Service Reform" is now held in undisguised contempt by the Republican party. The agitation for reform in the Civil Service was begun by Hon. Thomas Jenckes, of Rhode Island, in the House of Representatives in 1867. He made a speech in favor of a bill "to regulate the Civil Service of the United States and promote the efficiency thereof." Again in May, 1868, he spoke upon the same subject. At that time the party had made no definite pledges of Civil Service Reform to the country. J. D. Cox, of Ohio, a short time Secretary of the Interior, under Grant, was one of the first Republican martyrs to the cause of civil service reform. In 1870 the clerks in the departments received a circular from the Congressional Committee assessing them one per cent. of their salaries for political purposes. On the third of August, 1870, Mr. Cox received a letter from the Republican Executive Committee requesting a full list of the employees in his department from Ohio with the amount of salaries, &c., for the purpose of making an assessment upon them for state and Congressional campaign purposes. Then as now Ohio politicians were in the front rank of those levying political contributions. Mr. Cox declined to furnish the lists requested. A horde of hungry politicians principally from Ohio and Pennsylvania turned upon him and made his position so unpleasant that he resigned. Grant promptly accepted his resignation.

On March 3d, 1871, a clause attached to the sundry Civil Appropriation Bill was passed, authorizing the President to appoint a commission to prescribe rules and regulations for promoting the efficiency of the civil service. This provision was opposed by the Republican leaders in the Senate, Messrs. Conkling, Cameron, Morton and others. They openly avowed their disbelief in the success of any attempt to reform a civil service which they then pronounced to be the best in the world. The rules recommended by the advisory board were approved and President Grant, April 16, 1872, approved them in an executive order which especially forbade the levying of political assessments on office holders. From that time until the present day the farce has been enacted with unvarying regularity by the Republican party whenever a state or national convention has made a platform. The civil service reform plank has been laid down with such firmness and has remained unused so long that it has finally grown rotten, and the Committee on Resolutions in the recent Convention at Chicago omitted to make any reference to the subject.

THE FLANAGAN SPEAKS AT CHICAGO.

The omission was noticed by an obscure delegate from Massachusetts, Mr.

Barker, who sent to the Chairman's desk the stereotyped profession of civil service reform. The utter insincerity of the thing, the hollowness of the pretension, was so great that a speech made by an honest delegate from Texas, named Flanagan, was received with great applause. He expressed the sentiment of the Convention in these words :

"We are not here for the purpose of getting offices for the Democracy. What are we here for except to get the offices ?

* * * * * * * * * * *

If the Republicans are victors they are entitled to the offices, and those who fought in the cause will get them if justice is done."

This speech, though honest, was indiscreet. It compelled the convention to make Mr. Barker's resolution a part of the platform. Had it not been for Flanagan's speech the Republican party would have finally abandoned at Chicago the false colors under which they have been sailing for so many years.

The letters of acceptance of presidential candidates are generally considered as the real platform of political parties. The promises made by the candidates are of more importance to voters than the code of party principles laid down by the conventions. The latter are declarations of belief. The former are solemn pledges to the country. Does Gen. Garfield promise in the event of his election to reform the civil service of his country ? Let his letter of acceptance speak for him. He says :

MACHINE POLITICS.

To select wisely from our vast population those who are best fitted for the many offices to be filled requires an acquaintance far beyond the range of any one man. The Executive should, therefore, seek and receive the information and assistance of those whose knowledge of the communities in which the duties are to be performed best qualifies them to aid in making the wisest choice.'

When Gen. Garfield wrote this paragraph of his letter he must have have had before his eyes a speech made by the late Senator Morton, of Indiana, in the Senate, January 4, 1871. Mr. Morton said :

Now, Mr. President, I come to the principle of the bill and insist that it is false in itself. I undertake to say that to say that the greatest security an executive can have, who can know but a very small number of the American people, is the fact that he can rely upon members of Congress, his political friends, for recommendation to office. How so ? Take a member of the House. He is expected to recommend, if he is a political friend of the President, for the local offices in his district. The people understand, and if there is a bad appointment made, if there is a bad postmaster, if a horse thief is appointed postmaster, they hold the member of Congress directly responsible for it. They expect that in the natural course of things he has recommended that man. Therefore it becomes his interest at once to recommend good men for these offices : his re-election depends upon it.

In other words, under the system recommended by Gen. Garfield, Gen. Arthur, Senator Conkling, Senator Cameron, and all the prominent members of the Republican party, the tenure of office of politicians depends upon the manner in which the local offices are given to the underlings who control primaries and manipulate ward conventions.

The Republican party assembled in convention at Cincinnati in 1876 promulgated the principle that, under the constitution, the president and heads of departments are to make appointments; the Senate is to advise and consent to appointments, and the House is to accuse and prosecute faithless officers. The enforcement of this constitutional principle is impossible when the officers who are to advise and consent to appointments, and to prosecute and judge faithless officers, are allowed to recommend and dictate the appointments. Gen. Garfield promulgates a principle which the Republican party four years ago solemnly repudiated.

GENERAL ARTHUR AND CIVIL SERVICE REFORM.

But if it be held that to procure the removal of Mr. Arthur it is sufficient to reasonably establish that gross abuses of administration have continued and increased during his incumbency; that many persons have been regularly paid on his rolls who rendered little or no service; that the expenses of his office have increased while collections have been diminishing; that bribes or gratuities in the nature of bribes, have been received by his subordinates in several branches of the custom-house; that efforts to correct these abuses have not met his support, and that he has not given to the duties of his office the requisite diligence and attention, then it is submitted that the case is made out. This form of proof the department is prepared to submit. (Secretary Sherman's letter to R. B. Hayes, January 31, 1879.)

The Republican candidate for Vice-President has been the conspicuous example held up before the eyes of the American people by the present administration as the great violator of civil service reform; the incarnation of all that is corrupt and bad in the organization of the public service. The complete record of Gen. Arthur as an administrative officer is contained in another part of the Text Book. It is, perhaps, unfortunate for the Republican champions of civil service reform that Gen. Arthur has been nominated for the second instead of the first place on the ticket. While his acts have always tended to degrade the civil service, his professions for the future, contained in his letter of acceptance, are much more manly and comprehensive than those of Gen. Garfield.

THE HAYES ADMINISTRATION AND REFORM.

When R. B. Hayes was fraudulently declared President of the United States by the partisan eight of the Electoral Commission, he sought to appease in some measure the wounded honor of the country and to allay the popular indignation at the outrage, by promising a reform administration. The corruptions of the Grant administration had disgusted the honest masses and a general demand for reform was heard from the people. It was this desire for reform which elected Tilden and Hendricks by the largest popular majority ever cast for a presidential ticket. Hayes, therefore, sought to gain same popularity or toleration by pledging himself to do what the Democratic candidate had already done in the state of New York.

In his inaugural address Mr. Hayes said :

> I ask the attention of the public to the paramount necessity of a reform in our civil service ; a reform not merely as to certain abuses and practices of so called official patronage which have come to have the sanction of usage in the several departments of our government, but a change in the system of appointment itself ; a reform that shall be thorough, radical and complete ; a return to the principles and practices of the founders of the government. They neither expected nor desired from public officers any partisan service. They meant that public officers should owe their whole service to the government and to the people. They meant that the officer should be secure in his tenure as long as his personal character remained untarnished and the performance of his duties satisfactory. They held that appointments to office were not to be made nor expected merely as rewards for partisan services, nor merely on the nomination of members of Congress, as being entitled in any respect to the control of such appointments. The fact that both the great political parties of the country, in declaring their principles prior to the election, gave a prominent place to the subject of reform in our civil service, recognizing and strongly urging its necessity in terms almost identical in their specific import with those I have employed, must be accepted as a conclusive argument in behalf of these measures. It must be regarded as the expression of the united voice and will of the whole country upon this subject, and both political parties are virtually pledged to give it their unreserved support.

His failure to fulfill his pledges has disgusted the people fully as much as did the rottenness of Grantism, and the term "civil service reform" has become a by-word and a reproach. The fraudulent President inaugurated his reform policy by issuing the following order :

CIVIL SERVICE ORDER NO. 1.

EXECUTIVE MANSION,
Washington, June 22, 1877.

Sir: I desire to call your attention to the following paragraph in a letter addressed by me to the Secretary of the Treasury, on the conduct to be observed by the officers of the general government in relation to the elections :

"No officer shall be required or permitted to take part in the management of political organizations, caucuses, conventions or election campaigns. Their right to vote and to express their views on public questions, either orally or through the press, is not denied, provided it does not interfere with the discharge of their official duties. No assessments for political purposes on officers or subordinates should be allowed."

This rule is applicable to every department of the civil service. It should be understood by every officer of the general government that he is expected to conform his conduct to its requirements.

Very respectfully,

R. B. HAYES.

HOW THE ORDER HAS BEEN OBEYED.

The first part of the order that no officer should take part in political management has never been enforced except in the cases of objectionable officials whom the administration wanted to get rid of. For instance, Postmaster Filley, of St. Louis, was removed from office for advising and directing some local primary elections, and at the very same time Secretary Schurz, who insisted upon his removal, was making political speeches in Ohio, and but a short time afterwards Secretary Sherman also went to Ohio and delivered a political speech. After the election in Ohio that year (1878) Mr. Hayes congratulated both Sherman and Schurz upon the effect their speeches had apparently had.

The memorable contest between the administration and Senator Conkling over the removal of Messrs. Cornell and Arthur from the positions of Naval Officer and Collector, respectively, of the port of New York, was another instance of the enforcement of "Civil Service Order No. 1." By purchasing the votes of a number of Republican Senators by Federal patronage, Hayes and John Sherman, after a long struggle, in which they were once signally beaten, obtained the confirmation of their nominees, and Cornell and Arthur were ousted. In 1879, Senator Conkling, as a rebuke to the administration, had Cornell nominated as the Republican candidate for Governor of New York, and the "reform" administration forthwith surrendered. Hayes advised all Republicans in New York to vote for Cornell, and John Sherman and Wm. M. Evarts made speeches in the canvass in behalf of the regular nominees. John Sherman, in the course of these speeches, eulogized the man he had pronounced unfit to hold the position of naval officer and urged the people of the state to make him their governor. The administration raid upon the New York Custom-house in 1877–'78 was simply a move to get the Conkling machine out and the Sherman machine in. Immediately afterwards John Sherman announced himself as a presidential candidate. The revenue and customs officials all over the country were organized and put to work in his interest.

Collector Merritt, the "reformer," who succeeded Arthur, had his assistants and employees formed into bands of Sherman workers, and none dared decline the service. Each man understood that it would cost him his position to refuse to join in the Sherman Boom. Prior to the holding of the New York Republican Convention for the election of delegates to the Chicago Convention, Collector Merritt traveled all over the state in the interest of John Sherman. He packed primaries, promised government patronage, and, in short, did everything he supposed would help the Sherman cause. He made no secret of his mission, and caused himself to be interviewed about the progress of his labors. And yet not a word of reproof or reproach was uttered by the fraudulent administration. His bold and flagrant violation of the civil service order was not rebuked. From the opening of the presidential canvass for the Republican nomination until after the last state convention had chosen its delegates to Chicago, the various treasury officials throughout the country devoted their time chiefly to packing primaries and running local conventions in the interest of John Sherman. Every delegate that Sherman obtained in the Southern states was won for him by the influence of treasury officials. The Grant men protested most vigorously against this interference of government officials and the press called loudly for the enforcement of Civil Service Order No. 1, but Hayes was as dumb as an oyster. Evidence could be accumulated page upon page to prove that Secretary Sherman not only required government employees to work in his interest but that he also bribed delegates to support him with Federal patronage.

WHAT THE NEW YORK "TIMES" THINKS OF IT.

The New York *Times*, the leading Republican newspaper of the United States, said editorially, in its issue of May 12th, 1880, of Secretary Sherman's methods of electioneering:

> Of the delegates to the Mississippi Republican Convention, eight were employees of the Treasury Department, six were postmasters or postal route agents, and one was a United States district attorney. All these were, of course, Sherman men, since to hold a Federal office in the South and support any presidential candidate except the Secretary of the Treasury is to invite removal. They were aided by half a dozen outsiders, also in the employ of an indulgent people, whose money is used to the extent of at least $35,000 a year to galvanize Mr. Sherman's candidacy in Mississippi. Perhaps the discreet journalists in Ohio and New England who have been so greatly shocked by the suggestion that Mr. Sherman was not entirely without responsibility for the peculiar transactions of brother-in-law Moulton may condescend to explain the tactics by which their immaculate candidate has pushed his candidacy in Mississippi. These are, it is true, merely a repetition of the shameless trickery practiced in North Carolina and Georgia, but as they are, if possible, a little more impudent, they appear to challenge some sort of notice from the alleged reformers who have undertaken the somewhat delicate task of vouching for the statesmanship and political probity of the eminent trimmer from Ohio.

One of the special staff correspondents of the New York *Times*, writing from Jackson, Mississippi, under date of May 7th, 1880, charged that the Republican Convention of that state had been manipulated by Sherman's hirelings, and that the Chairman, Gibbs, declared the Convention adjourned to avoid putting to a vote a resolution indorsing Grant. The correspondent concluded his letters as follows:

> It is well to make this statement in order that Mr. Sherman may know just how much his friends bear for his sake. Further for his information, that of the civil service reform administration, and the public, it will not be amiss to give the following list of office-holders who conducted the Secretary's Mississippi canvass. Those marked with a star were delegates to the convention. The others did good work on the outside:

	PAY.
*W. H. Gibbs, Census Supervisor	$500
*James Hill, Collector Internal Revenue	2,650
J. J. Spellman, Deputy Collector Internal Revenue	1,200
*W. D. Frazee, Deputy Collector Internal Revenue	1,000
*W. M. Hancock, Deputy Collector Internal Revenue	1,000
*W. H. Noonan, Deputy Collector Internal Revenue	1,000
*Frank Hill, Deputy Collector Internal Revenue	1,000
*W. H. Foote, Deputy Collector Internal Revenue	1,000
*James D. Cesson, Deputy Collector Internal Revenue	1,000
*J. P. Matthews, Deputy Collector Internal Revenue	1,000
W. C. Raum, alternate	1,000
E. W. Hall, alternate	1,400
*J. L. Morphis, United States Marshal,	2,500 and fees
Thomas W. Hunt, United States Marshal	2,500 and fees
*Green C. Chandler, United States District Attorney	2,500 and fees
*W. H. Kennon, Postmaster, about	$2,000
*J. L, Wofford, Postmaster	2.000
*J. R. Smith, Postmaster	2,000
*H. R. Smith, Postmaster	2,000
W. G. Henderson, Collector Customs	2,500
I. N. Osborn, Deputy Collector Customs	1,000
*W. H. Harney, Route Agent, Post Office Department	900
*N. D. Sneed, Route Agent, Post Office Department	900

> In addition to these were a number of messengers and minor "hangers-on."
>
> In order that the public and "the civil service reform administration" may know exactly upon what terms Mr. Sherman is with those of his officers who aid him in his effort to capture the Presidency, it will not be amiss to publish the following letter, which was signed by James Hill, (colored) Revenue Collector, Delegate at Large to Chicago, and Chairman of the State Executive Committee:
>
> JACKSON, Miss., May 6, 1880.
>
> *The Hon. John Sherman, Secretary of the Treasury, Washington City:*
>
> *Dear Sir:* My friend, Mr. A. H. Kennedy, is one of the most worthy working Republicans in our state, and will do to depend upon on any part of the ground. *He was a delegate from his county, and assisted us largely in your behalf. I think his services have been such as deserve recognition at the hands of the administration.* He and his family are all strong Republicans, and have never held or asked for official position until now, that I am aware of. Any assistance that you may be able to give him, I am sure, will be fully appreciated by him, by the party of the state at large, and by myself. I am, very respectfully, your obedient servant,
>
> JAMES HILL,
> Chairman State Executive Committee.
>
> This letter was sent to Mr. Sherman last night. I have sworn evidence of its authenticity. That portion of it which reads, "He was a delegate from his county, and assisted us largely in your behalf—I think his services have been such as to deserve recognition at the hands of the Administration"—needs no comment. Still, it may, perhaps, be remembered that Mr Sherman—according to his own solemn statement knows nothing of, and is in no way affected by, efforts of Federal office-holders, made either for or against his presidential ambition.

This charge against John Sherman was made by the ablest Republican organ in the country, and with its usual fairness the *Times* proceeded to prove its allegation. It cannot be said, in defense of Sherman, that he is the object of Democratic slander. He has been arraigned by his own party, and the better portion of it has found him guilty. That Mr. Hayes connived at Sherman's prostitution of the civil service in the interest of his candidacy cannot be doubted. To say he was ignorant of the flagrant abuse of his civil service order by Sherman would be to pronounce him as stupendous a fool as he has shown himself to be knave.

POLITICAL ASSESSMENTS.

Having shown what a farce was made out of the first clause of the civil service order relating to the non-interference of government officials in elections, we will now show that the latter clause in relation to assessing government employees for campaign purposes was also ignored. Hayes' persistent pretensions in regard to reform lead some people to believe that he would put a stop to the infamous system of assessing government employees to swell the corruption fund of the Republican party in every canvass. But he has not done anything of the kind. That part of his order relating to assessments has remained as much of a dead letter as the first clause forbidding government officials to take part in political management. The first general election held after Hayes was fraudulently seated was in the year 1878, when members of Congress were elected. In the summer of that year the Republicans organized their Congressional Committee, who in turn appointed a sub-committee, called the Executive Committee, to manage and direct the campaign from Washington. Hon. Eugene Hale, of Maine, was made Chairman of the Executive Committee, and George C. Gorham, then Secretary of the United States Senate, was made Secretary. Mr. Gorham was, in fact, the head of the committee. He managed and directed all its affairs, and nearly the entire work of the campaign was intrusted to him. The Special Committee of the Senate, of which Senator Wallace is Chairman, appointed to inquire into alleged frauds in the elections of 1878, investigated the matter of assessments upon office-holders that year, and from the report of that committee we get the following facts:

Mr. Gorham testified that he, as the executive officer of the Republican Committee, collected, in the fall of 1878, for use in the Congressional campaign, a total of $106,000, of which sum over $93,000 was obtained from the government employees in Washington. Mr. Gorham inaugurated his assessment campaign by the issuance of the following circular, which was addressed to government employees:

CIRCULAR NO. 1

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, 1878,
1319 F STREET, NORTHWEST, WASHINGTON. D. C.
Washington, D. C., May 27, 1878.

Sir: This committee, charged with laboring for the success of the Republican cause in the coming campaign for the election of members of Congress, call with confidence upon you, as a Republican, for such a contribution in money as you may feel willing to make, hoping that it may not be less than $16.

The committee deem it proper, in thus appealing to Republicans generally, to inform those who happen to be in Federal employ that there will be no objection in any official quarter to such voluntary contribution.

The importance of the pending struggle cannot easily be exaggerated. That the Senate is to be Democratic after the 4th of March, 1879, is very nearly a certainty. In view of this, the election of a Democratic House of Representatives would precipitate upon the country dangerous agitations, which would inevitably add to present distresses. Foremost among their schemes the opposition already announce their intention to attempt the revolutionary expulsion of the President from his office.

If, by the presentation of three candidates for the Presidency in 1880, the people should fail to choose, the House must elect, each state delegation casting one vote.

From what is now known, and with the growing dissensions in the camp of the enemy, the committee have good reason to enter upon their work with courage.

Please make prompt and favorable response to this letter, and remit at once, by draft or postal money order, to "Sidney F. Austin, Esq., Treasurer, &c., German-American National Bank Washington, D. C.

By order of the Committee.

GEO. C. GORHAM, Secretary.

In about six weeks, such clerks and employees as had not responded to the notification contained in the first circular to call at Captain Gorham's office and settle, were reminded that the Republican party expected and insisted that every man should pay his assessment, by the receipt of circular No. 2, as follows:

CIRCULAR NO. 2.

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE,
Washington, July 11, 1878.

Dear Sir: Since sending you circular under date of May 27, we have ascertained that the rules of your department render difficult your absence during office hours, and that you are unable to call at the bank where contributions are received. We have, therefore, arranged with the treasurer, Mr. Austin, to attend at the German-American National Bank from 4 to 5 o'clock P. M., to receive contributions from those in your department who have not already responded. If more convenient, the amount can be transmitted by mail to Sidney F. Austin, Treasurer Congressional Republican Committee, as above. Respectfully yours,

GEO. C. GORHAM, Secretary.

There were still delinquents, even after the second circular was sent, and such were once more called upon for their money by the following circular:

CIRCULAR NO. 3.

Mr. ——, *Dear Sir:* There appears to be due upon your subscription to our campaign fund the sum of —— dollars. We have regarded your subscription as a debt of honor, voluntarily incurred by you, and, relying upon its payment, have taken it into the account in the conduct of our work. We earnestly request immediate payment, and Mr. N. B. Fugitt will be in attendance at these headquarters (second floor) daily from 10 o'clock A. M. till 6 o'clock P. M. to receive and receipt for such moneys.

Respectfully, GEO. C. GORHAM, Secretary.

These circulars, Mr. Gorham said, were sent to Mr. Hayes, and were substantially approved by him. This last circular was without date, but Mr. Gorham testified that it was issued some time in August. Mr. Gorham testified that the rate of assessment—he persisted in calling it "contribution"—fixed upon by the committee was one per cent. of the salary of each government employee. The circulars, as was shown by the testimony of Mr. Gorham and his clerks, did not meet with the responses from the government employees that the Republican committee wanted. From the official Register, or "Blue Book," the names of the various government, employees and the salary of each were obtained. The names of the employees in each department were entered in a book, and opposite each name was written the amount of the assessment demanded by the committee. Then collectors, provided with these books, were sent through the departments with instructions to call upon each employee personally for the sum set opposite his name by the committee. In order to make the authority of the Republican committee to levy these assessments more forcible, the heads of the several departments wrote their names and entered a contribution on the first page of the book intended for use in their departments. For instance, the assessment book used in the treasury contained on the first page the names of John Sherman and his assistant secretaries, with amounts ostensibly contributed opposite each. The poor clerk, upon seeing this, would feel that he dared not defy an authority that had the sanction of his chief, and with trembling hand and unwilling heart would "fork over" the amount demanded by the collector.

HOW THE MONEY WAS SQUEEZED OUT OF THE POOR CLERKS.

A few extracts from Mr. George C. Gorham's testimony will show how the machine was worked:

Chairman Wallace: Who was appointed to receive contributions in the Treasury Department? A. I would state here, if it has not been stated, that a finance committee of three gentlemen of the committee was appointed at an early meeting to direct the manner of collecting the money, and that they appointed Mr. Henry Baker (to assess the treasury).

Q. To visit the Treasnry Department? A. To visit the Treasury Department and solicit subscriptions—ask the persons who chose to give to so state in a book.

Mr. Gorham, in answer to a question, said he had the book, and would turn it over to the committee, which he subsequently did. When the assessment books were examined, it was shown that the clerks had not voluntarily entered their names and subscriptions in them, but that they were entered from the official register, and then the clerks were called upon for the amounts they were assessed. But let Mr. Gorham continue his story to the committee:

By the Chairman: Q. Was a man named Fugitt employed or authorized? A. Yes, sir.

Q. What was his first name? A. It was N. B. He was clerk of my committee; Baker was not; and when I was left in charge I called upon him generally.

Q. What one of the departments did Mr. Fugitt visit? A. I think Mr. Fugitt visited the Post-Office Department, I think the Agricultural Department, and I think the Sixth Auditor's Office of the Treasury. Baker, I think, did not visit that, and Fugitt did; but I am not sure. He may have gone to other places in the city. He was generally the man I relied on to go. I think I sent him up to the Navy Department.

Q. Were Mr. Baker's visits soliciting contributions at the treasury interfered with by the rules of the deparment, do you know? A. I never heard anything on that subject.

Q. Was this circular sent to the navy yards and post-offices of the country generally? A. If it was not sent to every civil officer who received over $1,000 a year, some of the clerks neglected their duties, because that was my instruction.

Q. Your instruction was to send it to all the Federal employees receiving over $1,000? A. It was.

Q. To all the employees of the government? A. That was my object; to have it reach every man who was in office?

Q. Were the responses to the leading circular (circular No. 1 I shall call it) from the collectors of customs and postmasters, and so on, in the leading cities in the country, in the form of subscriptions? A. Very generally; more so than ever in the history of the party, I have been told. Fifty per cent. more in number contributed, probably, than did in 1876. I mean by that to say that in 1876 the request was for two per cent., and in 1878 the request was for one per cent., and although we only asked for half as much, we got three-quarters as much.

Q. Do you know of any case in any of the departments in Washington in which men who failed to respond to your circular were dismissed within thirty days? A. Do I know of my knowledge?

Q. Yes, sir? A. I do not.

Q. Have you heard of any such case? A. I have heard of a single man who was removed from a department, and that man did not subscribe; but whether that had any connection with his removal I do not know, and nobody connected with our committee promoted any report about it or any change.

Q. What was the politics of that man? A. He said he was a Democrat.

Being asked if his committee called upon national banks for money for the campaign of 1878, Mr. Gorham replied that Mr. Eugene Hale, chairman of the committee, visited New York City and raised $13,000, and he presumed some of it came from national banks.

POLITICAL ASSESSMENTS IN AN OFF YEAR BRING IN $106,000.

In the following answers Mr. Gorham explains where the Republican party gets its sinews of war. He has already shown how the assessment plan is worked. Now, let him tell who it is that, somehow or another, feels constrained to make these contributions:

By Mr. Bailey: Q. I understand that altogether the subscriptions to your fund amounted to about $106,000? A, Yes, sir; as near as I can get at it.

Q. Of which $93,000 came from the officers? A. From Senators, Representatives and others.

Q. How much of that came from Senators and Representatives? A. I cannot state it now; I think that their subscription was pretty general; there were, as we know, thirty-nine Republican Senators, and they gave. as a general rule, $100 a-piece. There may have been some exceptions; I do not remember; the Republican members of the House gave us $50 a-piece.

Q. All of them, or only a portion? A. The great body of them; the intention of all was to do it; there may have been a case here and there where it was not convenient.

Q. All the remainder of the $93,000 came from those in the civil service of the government? A. Yes, I think so.

Q. And from all the Republican party outside of those who were employed you received but $13,000? A. That is all; I am sorry to say that was all we got from them.

Q. Then your treasury—I mean the treasury of the committee—was recruited chiefly from the employees of the government? A. It would appear so from my last answer.

Q. And they bore the expenses of the Republican campaign chiefly, with the exception you have named? A. That would be the inference from the last question and answer.

THEY FARMED OUT SOME OF THE BEST LOTS.

Mr. Gorham further testified that in various states the state committees were allowed to assess the Federal office holders, and that the money thus raised was in addition to the $106,000 collected by the Executive Committee at Washington. According to Mr. Gorham's showing, the money raised by assessing government clerks was used to pay for printing and sending out documents, to pay speakers, etc., and to aid generally in the election of Republican Congressmen in close districts. The amounts sent out to the different states for use in close districts were distributed as follows:

Maine, $5,000; New Hampshire, $1,750; Vermont, 3d district, $500; Connecticut, 3d district, $1,000, New Jersey, 1st district, $1,500; 2d district, $500; 5th district, $500; Pennsylvania, 17th district, $1,500; Maryland, 6th district, $1,250; West Virginia, 2d district, $350; 3d district, $500; Virginia, 2d district, $1,000; 4th district, $1,300; North Carolina, three districts, $1,300; South Carolina, 1st district, $1,000; 5th district, $600; state at large, $200; Florida, 1st district, $500; 2d district, $1,000; Alabama, 4th district. $500; Tennessee, 1st district, $500; 2d district, $500; Missouri, 2d district; $500; 3d district $500; 7th district, $100; 10th district, $1,000; Ohio, to nine districts, $9,300; Indiana, to state central committee, with recommendation that it be distributed as follows: 1st district, $2,000; 4th district, $1,000; 6th district, $1,000; 8th district, $500; 10th district, $500; cannot say whether or not the distribution was made as recommended; Illinois, 18th district, $250; Michigan, $5,000; Iowa, $5,000; Wisconsin, $1,500; Oregon, $2,000; Colorado, $1,000. Total, $53,900.

The fradulent administration, as proven by the testimony of Gorham and his assistants, consented to a few other little irregularities, such, for instance, as the detailing of men who were employed and paid by the government to do campaign work for the Republican party, thus robbing the people of service they were paying for.

THE PERSONAL ACCOUNT OF R. B. HAYES WITH THE CIVIL SERVICE.

They (the founders of the government) held that appointments to office were not to be made or expected merely as awards for partisan services.

The above was Mr. Hayes' language in his inaugural address. This was the principle laid down by the *de facto* President as the rule by which he should be guided in making appointments. While the words above quoted were upon his lips he had made promises which involved their violation in letter and in spirit. Placed in the White House by a conspiracy against free government, the conspirators demanded of the beneficiary of their plots payment in lucrative offices. The ready compliance of Hayes with their demands was the most convincing proof of his knowledge of the awful crime of 1876. Convicted perjurers and thieves filled the corridors of the executive mansion and jostled innocent citizens of the Republic in the reception and anterooms. The rogues who made false returns and stole the electoral votes of three states swaggered about the barrooms of Washington boasting of their villanies and savagely cursing Hayes for his tardiness in settling the score.

WHAT A FRAUDULENT PRESIDENT COST THE PEOPLE.

Hardly had the printers' ink dried on the newspapers which printed the inaugural address than the work of rewarding crime was begun by Mr. Hayes. How well he succeeded the following table will show.

Names.	Political Employment in 1876.	Office.	Salary.
Members of Returning Boards:			
J. Madison Wells	President Returning Board	Surveyor of Port of New Orleans	$3,500
Thomas C. Anderson	Member Returning Board	Deputy Collector Port of New Orleans	3,000
L. M. Kenner	Member Returning Board	Deputy Naval Officer	2,500
G. Casanave	Member Returning Board	Brother United States Storekeeper, New Orleans	1,400
Charles S. Abell	Secretary Returning Board	Inspector Custom-House	2,500
York A. Woodward	Clerk Returning Board	Clerk Custom-House	1,800
W. M. Green	Clerk Returning Board	Clerk Custom-House	1,095
B. P. Blanchard	Clerk Returning Board	Clerk Custom-House	1,400
G. P. Davis	Clerk Returning Board	Clerk Custom-House	1,200
Charles Hill	Clerk Returning Board	Clerk Custom-House	1,400
George Grindley	Clerk Returning Board	Clerk Custom-Houee	1,600
John Ray	Counsel for Returning Board	Special Agent Treasury Department and Counsel for Mr. Sherman	2,500
S. S. Wells	Son of J. Madison Wells	Inspector, Custom-House	1,095
A. C. Wells	Son of J. Madison Wells	Special Deputy Surveyor, New Orleans	2,500
R. M. J. Kenner	Brother of Returning-Board Kenner	Clerk, Naval Office	600
Total			$28,090
State Officers and Managers:			
Michael Hahn	State Register	Superintendent Mint	$4,000
A. J. Dumont	Chairman Republican State Committee	Inspector, Custom-House	3,000
J. P. McArdle	Clerk Republican State Committee	Clerk, Custom-House	1,200
L. J. Souer	Agent to control Legislature	Appraiser, Custom-House	3,000
S. P. Packard	Candidate for Governor	Consul to Liverpool	6,000
James Lewis	Police Commissioner, New Orleans	Naval Officer	5,000
Jack Wharton	Adjutant-General of Louisiana	United States Marshal,	6,000
A. S. Badger	General of State Militia	Postmaster, New Orleans, $3,500; now Collector	7,000
H. S. Campbell	Chief of Affidavit Factory	United States Attorney, Wyoming	5,000
H. Conquest Clark	Knew of Forgery of Electoral Certificates	Private Secretary to Commissioner of Internal Revenue	2,500
W. F. Loan	Chief of Police and Supervisor 15th Ward, New Orleans	Inspector Tobacco, Internal Revenue	1,400
W. L. McMillan	Canvassed State for Hayes	Pension Agent, New Orleans; now Postmaster	4,000
Total			$47,100
Electors:			
Peter Joseph	Elector at Large	Clerk, Custom-House	$1,200
L. A. Sheldon	Elector at Large	Counsel for John Sherman	1,200
Morris Marks	Elector at Large	Collector Internal Revenue	3,750
A. B. Levisee	Elector at Large	Special Agent Treasury Department	2,500
O. H. Brewster	Elector at Large	Surveyor-General	1,800
Total			$11,050

Supervisors and persons connected with the elections:			
M. J. Grady	Supervisor at Ouachita	Deputy Collector of Internal Revenue	$1,400
W. R. Hardy	District Attorney at Ouachita	Inspector of Custom-House	1,095
Henry Smith	Sheriff of East Feliciana	Laborer, Custom-House	600
Samuel Chapman	Sheriff of East Feliciana	Laborer, Custom-House	600
C. L. Ferguson	Supervisor of De Soto	Captain Night Watch, Custom-House	800
J. E. Scott	Supervisor of Claiborne	Money Order, Post-Office, New Orleans	1,300
B. W. Woodruff	Supervisor of Rapides	Box Clerk, Post-Office, New Orleans	900
L. F. Bangnor	Supervisor of East Baton Rouge	Laborer, Custom-House	600
W. H. McVey	Supervisor of Franklin	Inspector, Custom-House	1,095
L. Williams	Supervisor of 16th Ward, New Orleans	Watchman, Custom-House	800
E. K. Russ	Supervisor of Natchitoches	Letter Carrier, Post-Office	720
F. A. Deslonde	Supervisor of Iberville	Night Watchman, Custom-House	800
W. H. Heistand	Supervisor of Tangipahoa	Clerk, Custom-House	1,200
F. A. Clover	Supervisor of East Baton Rouge	Assistant Weigher, Custom-House	1,200
L. C. Lasage	Clerk to Supervisor East Baton Rouge	Inspector, Custom-House	1,000
William McKenna	Supervisor of Caddo	Postmaster, Shreveport	3,100
A. D. Cornog	Supervisor of Red River	Inspector, Custom-House	1,095
M. A. Lenet	Supervisor of La Fourche	Laborer, Custom-House	500
A. J. Brim	Republican Manager of 2d Ward, New Orleans	Inspector, Custom-House	1,000
Patrick Creagh	Republican Manager of 3d Ward, New Orleans	Chief Laborer	1,000
R. C. Howard	Republican Manager of 4th Ward, New Orleans	Laborer, Custom-House	600
J. C. Peuchler	Republican Manager of 5th Ward, New Orleans	Laborer, Custom-House	600
W. J. Moore	Republican Manager of 7th Ward, New Orleans	Gauger, Internal Revenue	Fees.
Thomas Leon	Republican Manager of 8th Ward, New Orleans	Gauger, Custom-House	Fees.
T. H. Bowan	Republican Manager of 10th Ward, New Orleans	Night Inspector, Custom-House	900
A. W. Kempton	Commissioner of 11th Ward, New Orleans	Assistant Weigher, Custom-House	1,200
Nap Underwood	Supervisor of 12th Ward, New Orleans	Inspector, Internal Revenue	1,200
P. J. Maloney	Supervisor of 14th Ward, New Orleans	Inspector, Custom-House	1,095
L. E. Salles	Republican Manager of La Fayette	Weigher, Custom-House	2,000
R. A. Herbert	Republican Manager of Iberville	Superintendent Warehouses, Custom-House	2,500
W. B. Dickey	Republican Manager and Tax Collector, Madison	Inspector, Custom-House	1,095
Thomas Jenks	Husband of Mrs. Jenks, who swore for John Sherman.	Clerk, Mint	1,000
Total			$32,095

Names.	Political Employment in 1876.	Office.	Salary.
Visiting statesmen:			
John Sherman	Visiting Statesman, Louisiana	Secretary of the Treasury	$8,000
John M. Harlan	Visiting Statesman, Louisiana	Justice Supreme Court	10,000
Eugene Hale	Visiting Statesman, Louisiana	Offered Postmaster-Generalship	
E. W. Stoughton	Visiting Statesman, Louisiana	Minister to Russia	17,500
John A. Kasson	Visiting Statesman, Louisiana	Minister to Austria	12,000
J. R. Hawley	Visiting Statesman, Louisiana	Commissioner to Paris Exposition	2,000
John Coburn	Visiting Statesman, Louisiana	Commissioner to Hot Springs	5,000
E. F. Noyes	Visiting Statesman, Louisiana	Minister to France	17,500
Lew Wallace	Visiting Statesman, Louisiana	Governor of New Mexico	2,600
Total			$74,600
Florida:			
M. L. Stearns	Governor	Commissioner to Hot Springs	$5,000
F. C. Humphries	Elector	Collector, Pensacola	2,000
S. B. McLin	Member of Returning Board	Associate Justice, New Mexico (not confirmed)	3,000
Moses J. Taylor	Clerk Circuit Court, Jefferson County	Clerk United States Land Office	1,200
Joseph Bowes	Inspector, Leon County	Clerk Treasury Department	720
W. K. Cessna	Judge, Alachua	Postmaster	2,500
R. H. Black	Inspector of Elections, Alachua County	Philadelphia Custom-House	990
Geo. H. De Leon	Secretary to Governor Stearns	Clerk in Treasury Department	1,200
John Varnum	Adjutant-General	Receiver, Land Office	500 and fees.
James Bell	Changed tickets, Jefferson County	Timber Agent	
Manuel Govan	Republican Manager, Monroe	Consul of Spezzia	1,200
—— Phelps	Political Manager	Secretary to McCormick at Paris Exposition	2,500
E. W. Maxwell	Detective in employ of Republican visiting Statesmen	Lieutenant in Regular Army	1,400
P. G. Mills	Telegrapher, who gave news about Democratic dispatches	Treasury Department. (Sister in Treasury; dismissed when he said he considered Tilden elected.)	1,200
Dennis Eagan	Chairman Republican State Committee	Collector Internal Revenue	2,875
L. G. Dennis	Republican Manager of Alachua	Treasury Department. (Removed and published affidavit)	
H. W. Howell	Manager False Returns from Baker	Collector for Fernandina	1,500
			$27,785
The following officers of the Government were in Florida, drawing their regular salaries, looking after the canvass during the presidential canvass, to wit:			
Thomas J. Brady		Second Assistant Postmaster-General	$3,500
—— Peyton		Assistant in Attorney-General's Office	1,500
H. Clay Hopkins		Special Agent, Post-Office Department	1,200
William T. Henderson		Special Agent, Post-Office Department	1,600
Z. L. Tidball		Special Agent, Post-Office Department	1,600
B. H. Camp		Special Agent, Post-Office Department	1,600
Total			11,000
Grand aggregate of annual salaries paid to the men who counted Hayes in			$242,170

For four years, the length of his stolen term, the grand total would be **$969,080**

This record of beneficiaries was prepared over a year ago. It is impossible to ascertain from the pay rolls of the government what additions have been made to this black list since. The name of one member of the Louisiana Returning Board is conspicuous because of its absence from this list. Civil service reform was not vindicated, however, because G. Cassanave did not receive an office. The sum of $1,750, paid to Cassanave in August, 1879, by R. B. Hayes and John Sherman as the price of his silence and for services rendered, is not included in the total annual roll of $242,170.

THE CASE OF CASSANAVE.

The expenses of the defense of the Louisiana Returning Board, indicted in the Circuit Court at New Orleans for perjury and fraud, were $5,000. As the other members of the board were insolvent, Cassanave's property was levied upon to meet the judgment rendered for the $5,000 fee. On August 7, 1879, Cassanave wrote to Mr. Hayes as follows :

> If my property is sacrificed under that judgment it will render me bankrupt. I am a poor man and unable to sustain such a loss. I have always assumed a full share of the responsibility attaching to the official acts of the returning board, although I have never enjoyed any of the fruits resulting from its findings; and in this connection I respectfully remind you that I hold no office under your administration, and have derived no pecuniary benefits whatever therefrom; but, on the contrary, I have sustained considerable loss in my business on account of my identity with the board. Messrs. Anderson, Wells and Kenner, the other three members, and their numerous family connections, are enjoying lucrative positions in the employ of the government.
>
> * * * * * * * * * * *
>
> I called upon Mr. Sherman yesterday and he proffered me a contribution of $100, as the only relief he could offer me, which I was compelled to decline out of respect for the great finance minister of our government.

Cassanave wrote this letter in Washington. Before sending it he had called at the White House and had been refused the assistance he demanded. He was more successful in his epistolary efforts, and a few hours after the letter had been received at the White House $500 was sent to New Orleans to be paid on the judgment. The following telegraphic correspondence between Shellabarger & Wilson, Hayes' attorneys, and E. North Cullom, of New Orleans, who held the judgment, explains the conclusion of the case:

DAMNING CORRESPONDENCE.

Washington, D. C., August 13, 1879.

E. North Cullom, New Orleans, La.:

Should we send $1,000 more on returning board judgment will you give reasonable time for balance?

SHELLABARGER & WILSON.

To this dispatch came the following reply:

New Orleans, August 13, 1879.

Messrs. Shellabarger & Wilson, Washington, D. C.:

If you send me $250 more, making a total of $1,750, and Cassanave will give security not to dispose of his property, I will wait till January 1.

E. NORTH CULLOM.

On August 15 Shellabarger gave Cassanave the following dispatch and directed him to sign and send it:

Washington, D. C., August 15, 1879.

E. North Cullom, New Orleans :

Will cause $1,000 to be mailed to-day, provided you stop sale and wait until January 1st for balance. Answer immediately.

G. CASSANAVE.

Cullom replied as follows :

New Orleans, August 15th, 1879.

G. Cassanave, Washington, D. C.:

I will not. Sale goes on.

E. NORTH CULLOM.

Cassanave carried the reply to Shellabarger, who indorsed upon it the following :

To Secretary Sherman :

I telegraphed that I would send $1,000 to-day if sale would stop and the plaintiff wait for the balance till January, and this is the answer. What shall I do with the $1,000 ?

The $1,000 had been previously sent by R. B. Hayes to Shellabarger to help Cassanave out. Sherman wrote in reply to Shellabarger "YOU MAY OFFER THE $1,250."

This sum together with the $500 previously sent made up the amount which Cullom demanded and the sale was stopped. Senator West in commenting on this transaction in the Senate said :

> Why the President and Secretary of the Treasury changed their determination, and what relation existed between the work of the returning board and the payment by them of $1,750 I leave to the candid judgment of honest men.

THE CLOSE OF THE FARCE.

During the past three and one-half years of trickery, deceit and hypocrisy the frudulent administration has striven to hide its rank offenses against decency and pure government by a cloak of smooth words, voluble excuses and pretentious palaver. In the present campaign, the mask will be thrown off entirely. Every department of the government will be utilized to assist in the election of the Republican ticket. The standing army of 100,000 federal office holders will be marched into the field and forced to contribute liberally. A refusal to pay promptly means dismissal. Already the heads of a score of department clerks, who had the bravery to openly declare their preference for Hancock have fallen. Free speech is denied the servants of the people. Democrats in the departments are given the alternative of subscribing to the Republican campaign fund or losing their places The following circular has been mailed to all the government clerks :

CIVIL SERVICE ORDER NO. 1, ACCORDING TO M'PHERSON.

HEADQUARTERS OF THE REPUBLICAN CONGRESSIONAL COMMITTEE, 1880.
1,311 F st., N.W., Washington, D. C.

Jay A. Hubbell, Chairman. *Edwd. McPherson, Secretary.*

EXECUTIVE COMMITTEE : *The Hon. William B. Allison, the Hon. E. H. Rollins, the Hon. Frank Hiscock, the Hon. Mark H. Dunnell, the Hon. Godlove S. Orth, the Hon. Wm. McKinley, the Hon. Joseph Jorgensen, the Hon. G. R. Davis, the Hon. H. G. Fisher.*

WASHINGTON, D. C., April 19, 1880.

Sir : This committee is organized for the protection of the interests of the Republican party in each of the congressional districts of the Union. In order that it may prepare, print and circulate suitable documents illustrating the issues which distinguish the Republican party from every other, and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose *interests* or principles are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a *contribution*, which it is hoped may not be *less than* $———. The committee is authorized to state that such *voluntary* contributions *from persons employed in the service of the United States*, will not be objected to in any *official* quarter.

The labors of this committee will affect the result of the presidential as well as the congressional struggle ; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the government.

Please make prompt and favorable response to this letter by bank check or draft or postal money order, payable to the order of George Frs. Dawson, Treasurer, post-office, lock box 723, Washington, D.C. By order of the Committee, EDWARD McPHERSON, Secretary.

Collections were begun on the 1st of July in the Treasury Department. When clerks refuse voluntarily to pay the assessment, the disbursing officer deducts the two per cent. from their salaries.

ASSESSMENT ON DISTRICT OF COLUMBIA CLERKS.

In the general raid upon office holders, the clerks employed in the government of the District of Columbia have not been forgotten. The following circular has been addressed to them :

REPUBLICAN CENTRAL COMMITTEE FOR THE DISTRICT OF COLUMBIA.
Washington, D.C., July 16, 1880.

Sir : This committee, composed of three members from each of the twenty-two legislative districts in the District of Columbia, is organized for the protection of the interests of the Republican party ; to aid the Republican cause in the Congressional districts in contiguous States ; to provide for the transportation of voters ; to circulate suitable documents illustrating the issues which distinguish the Republican party from every other, and to do such other campaign work as may be assigned it by the National Republican committee.

The committee feels authorized to apply to all citizens whose interests or principles are involved in the struggle. Under the circumstances in which the district finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its funds a contribution, which it is hoped, may not be less than $——. The committee is authorized to state that such voluntary contribution from persons employed by the District of Columbia will not be objected to in any official quarter.

It has been decided to hold a mass meeting of the Republicans of the District of Columbia at an early date to ratify the nominations of the Chicago convention. The importance of our position at the national capital renders it neccessary that every effort be made to insure entire success.

Please make prompt and favorable response to this letter by check payable to the order of W. B. Reed, Chairman Finance Committee, P.O. box 594, Washington, D.C., or in person, to any member of the Finance Committee. J. M. GREGORY, Secretary

The fraudulent administration has been false to every promise of reform it has ever made. Its shallow hypocrisy in this regard has made the very name of reform a reproach. Civil service reform has grown to be a synonym, in ironical language, for all that is hollow and deceitful, disgusting and false in government. The crowning sheaf to the sham is the spectacle of the cabinet led by Carl Schurz stumping the country for Garfield and Arthur.

Members of Kellogg legislature (?) who voted for Kellogg for U. S. Senator, and afterward received Federal offices.

Names.	Present offices.	Salary.
Senators:		
J. E. Breaux	U. S. deputy collector, New Orleans	$1,500
J. H. Burch	Clerk in New Orleans custom-house	1,400
A. J. Dumont	U. S. deputy collector, New Orleans	3,000
P. Landry	Laborer in N. O. custom-house at 25 cents per hour, or	720
Isaac Sutton	" " " " " "	720
M. A. Twitchell	Consul to Kingston, Canada	1,500
George W. Bryant	Laborer in N. O. custom-house at 25 cents per hour, or	720
A. J. Wakefield	Night inspector N. O. custom-house at $2.50 per day, or.	900
Eight senators receive directly		10,360
Officers of the Senate:		
C. C. Antoine, president	Clerk and storekeeper in N. O. custom-house	2,000
Peter E. Bechtel, 1st secretary	" in N. O. custom-house	1,600
W. H. Green, ass't secretary	U. S. inspector, N. O. custom-house at $3 per day, or	1,080
Senate officers receive		4,680
Members of the House:		
Charles F. Brown	Laborer in N. O. custom-house	600
O. H. Brewster	Surveyor-general, New Orleans	1,800
R. J. Brooks	Night inspector N. O. custom-house at $2.50 per day, or.	900
John E. Brown	Messenger in N. O. custom-house	600
J. M. Carville	Inspector in N. O. custom-house at $2.50 per day, or	900
W. J. De Lacy	" " " $90 per month, or	1,080
W. H. Dinkgrave	Clerk in N. O. custom-house	600
Louis Desmarais	Cashier " "	500
A. De Joie	U. S. gauger at New Orleans	Fees.
Fred. Fobb	Night inspector N.O. custom-house at $75 per month, or	900
George Gracien	Laborer in N. O. custom-house	600
O. Holt	Inspector in N. O. custom-house at $3 per day	1,080
J. J. Johnson	Laborer " " 25 cents per hour, or.	720
Robert Johnson	Night inspector N. O. custom-house at $75 per month, or	900
Milton Jones	Revenue boatman at New Orleans	600
C. W. Keeting	U. S. gauger at N. O. custom-house	1,500
William Kern	" deputy collector at New Orleans	1,000
W. G. Lane	" commissioner " "	Fees.
A. H. Leonard	" dist. attorney " "	200
John G. Lewis	Night inspector N. O. custom-house at $75 per month, or	900
A. E. Milon	" " " " " " "	900
M. L. McMillen	Postmaster at New Orleans	3,500
W. J. Moore	Gauger in N. O. custom-house	Fees.
Henry Raby	Night inspector N. O. custom-house at $75 per month, or	900
L. J. Souer	U. S. appraiser, New Orleans	3,000
George A. Swazie	Laborer in N. O. custom-house	600
L. A. Snaer	Storekeeper N. O. custom-house	1,440
Jules Severgnes	Night inspector N. C. custom-house at $75 per month, or	900
J. R. Stewart	Captain of night watchmen at N. O. custom-house	600
George Washington	United States boatman, New Orleans	750
L. Como	See testimony of James Lewis, on p. 649 of evidence	
R. Simmes	Appointed since he testified. (See telegram in evidence)	
Thirty-two members of the	house draw annually	30,070
Officers of the House:		
Robert Guichard, chief clerk	Examiner in N. O. custom-house	1,800
William Vigers, assistant clerk.	Night inspector N. O. custom-house	900
T. A. Clover, minute clerk	Assistant weigher, N. O. custom-house	1,200
C. H. Merritt, house postmaster	Inspector New Orleans custom-house at $3 per day, or	1,080
Four house employees		4,980

RECAPITULATION.

8 senators receive	$10,360
3 senate officers receive	4,680
32 members of the house receive	30,070
4 house officers receive	4,980
47 members and officers draw	49,490

THE GREAT FRAUD OF 1876.

When the polls closed Tuesday evening, November 6, 1876, Samuel J. Tilden and Thomas A. Hendricks were by the ballots in the boxes elected President and Vice-President of the United States. By a popular majority of more than a quarter of a million of all the votes cast the Tilden and Hendricks electors, to the number of 196, were beyond a possibility of doubt elected.

By midnight, November 6, 1876, the fact of the election of Tilden and Hendricks was known at the rooms of the National Republican Committee, in the Fifth Avenue Hotel. There were present there Zach. Chandler, chairman of the committee, R. C. McCormick, secretary, George F. Edmunds, Senator from Vermont, W. E. Chandler, member of the committee for New Hampshire, Chester A. Arthur, collector of the port of New York, Alonzo B. Cornell, naval officer of that port, and divers other more or less important Republican politicians. There was a consultation. The news received from Louisiana left no shadow of doubt that the Democrats had carried that State by a clear majority of from 6,000 to 10,000 votes. That elected Tilden and Hendricks. The probabilities were that Florida and South Carolina had been likewise carried by the Democrats. It was absolutely certain that, excluding Florida, Louisiana and South Carolina, 184 Tilden and Hendricks electors had been elected. To make a majority of the electoral votes for Hayes and Wheeler the Republicans must have the votes of Florida, Louisiana and South Carolina. This was the task the Republican conspirators in the Fifth Avenue Hotel set themselves to accomplish at midnight, November 6, 1876.

To be successful they must have the countenance and assistance of the President of the United States, Ulysses S. Grant. Time was precious. There must be instant and safe communication with him. He was known to be in Philadelphia, accompanied by Don. Cameron, Secretary of War. There was no train to Philadelphia till four o'clock the next morning. A messenger by that train could not reach and communicate with Grant before seven o'clock. That might be too late. It would not do to use the wires of the Western Union or Atlantic and Pacific Telegraph Companies, for a tell-tale record would be left behind. It was suggested by some one of the conspirators, having knowledge of the fact, that Jay Gould had a private wire connecting his house and Philadelphia. This intelligence was a ray of hope to the desponding and well-nigh hopeless conspirators. To Jay Gould's house, after midnight, the chiefs hastened. It is certain that Chandler, Edmunds, Cornell, and Arthur, were of the number. They roused Jay Gould from his slumbers, stated the object of their visit at that unseemly hour, and were admitted. Then their confidential telegrapher began the work of finding Grant and Cameron in Philadelphia. It was not an easy job. Neither Grant nor Cameron was at his accustomed haunts. Messengers scoured Philadelphia for them. After much delay, to the inexpressible relief of the conspirators in Jay Gould's private office, the confidential operator announced that Grant and Cameron had been found, and in a few minutes would be at the other end of the wire. The ticker presently ticked off "all ready," and then began in the small hours of the morning of November 7, 1876, the communications between Zach Chandler, at Jay Gould's house in New York, and Grant in Philadelphia, which laid the foundation for the Great Fraud of 1876.

Chandler briefly informed Grant of the situation. The Democratic 184 electoral votes certain without Florida, Lousiana and South Carolina. It was very evident that the ballots in the boxes gave them Lousiana by a large majority and that Florida and South Carolina were probably the same way. With either one of these three states, Tilden and Hendricks would be elected, without all three of them Hayes and Wheeler could not be counted in. It was necessary, to accomplish this, to have not only the countenance, but the active assistance, of the Federal government. There must be troops sent to Florida, and the Federal force in Lousiana must be increased. To every demand Grant responded "it shall be done." The orders for the disposition of the troops were given by Cameron, who left Philadelphia on the first train for Washington. The next day—the very day after this colloquy and conspiring to defeat the will of the people—came Grant's hypocritical telegram from Philadelphia declaring his purpose to see a fair count and saying that no man worthy to hold the high office of President could accept it if it was obtained by unworthy means.

Meanwhile to Florida, Louisiana and South Carolina and everywhere went the false, but encouraging telegrams of Zach Chandler, "Hayes has received 185 electoral votes and is elected." Swift messengers left New York on the first trains Nov. 7th for Tallahassee, Columbia and New Orleans. The shrewd and wily William E. Chandler went to Florida prepared for every emergency, and equally reliable and unscrupulous men were dispatched to Louisiana and South Carolina. The uncontradicted testimony of men who were familiar with the situation in New Orleans and with the hopes and fears of the desperate carpet-bag politicians was taken. This establishes the fact that they were hopeless during the first twenty-four hours after the election. Then came the reassuring telegrams of Zach Chandler, and as fast as steam could bear them on express trains came also the visiting statesmen. John Sherman and James A. Garfield with others went to New Orleans. Noyes, now Minister to France, and others to Florida, while the Chief Justice of the courts of the District of Columbia headed the delegation to South Carolina. The Second Assistant Postmaster-General, accompanied by a retinue of detectives, special agents of that department, went to Florida, and the Secret Service force of the Treasury Department was scattered through South Carolina and Louisiana to serve the purposes of the conspirators. The complete history of the work that was done in those states to accomplish the monstrous conspiracy, the double-dyed villainy of the visiting statesmen, the perjuries they were privy to, the forgeries they countenanced, will never be fully told. Enough, however, has been imperishably recorded to make all who were concerned therein eternally infamous.

The most complete as well as the most succinct account of the frauds by which the electoral votes of Florida and Louisiana were stolen from Tilden and Hendricks will be found in the Potter Report, made to the House of Representatives at the third session of the Forty-third Congress, which we here append in full.

ELECTORAL FRAUDS IN THE LATE PRESIDENTIAL ELECTION.

Mr. Potter, from the select committee on alleged electoral frauds in the late presidential election, submitted the following:

The committee appointed by the resolution of the House "to inquire into the alleged fraudulent canvass and return of votes at the last presidental election in the states of Louisiana and Florida," and who, by a subsequent resolution of the House, were authorized "to investigate frauds touching that election in any state where they had probable cause to believe the same existed," respectfully report:

That they proceeded at once to the discharge of the duty imposed upon them. They have examined over two hundred witnesses, and taken about 3,000 closely-printed pages of testimony.

INVESTIGATION CONFINED TO FLORIDA AND LOUISIANA.

No application having been made to them, either by any member of the committee or of the House, or from any other quarter, to consider any matter conected with that election in any other state, they have confined their inquiries to the said states of Florida and Louisiana.

WHAT CONGRESS SHOULD INVESTIGATE.

The Constitution provides that each state shall direct the manner in which its electors are to be appointed. Their appointment is therefore conducted under state law and determined by state officers.

Wrongs in connection with state elections are not novelties. The stuffing and destruction of ballots and alteration of figures have heretofore occurred, and it is within the power of the states in which such frands occur to punish them. Such cases do not require investigation by Congress, because as to none of them has it any power to remedy or punish the wrongs committed. But frands in the appointment of electors directly affect the choice of a President, and therefore demand investigation by the Congress.

FRAUDS IN QUESTION UNPRECEDENTED.

The frauds alleged in connection with the appointment of electors in Florida and Louisiana in 1876 were entirely unprecedented.

For the first time in the history of the government electoral votes, challenged as fraudulent and false, were nevertheless received and counted, and did in fact change the result of the election.

In Florida the board of state canvassers usurped discretionary powers and reversed the result of the votes cast. They did this in the presence of certain visiting statesmen sent there by the President of the United States, and surrounded by Federal troops (McLin—Fla., 144–'5).

That state, by every department of its government—legislative, executive and judicial—thereupon protested against this action of the state canvassers, and declared that the persons thus certificated were not its electors, and did not represent the state. Nevertheless, it was decided by the Electoral Commission that during the few hours those men pretended to be in office they did represent the state of Florida and did exercise its discretion. The President of the United States holds his place by virtue of their action (Electoral Count, 1, 2–24).

Such action may be repeated in any state at any Presidential election, and if the Congress cannot prevent this altogether, it is at least within their power to adopt measures that will afford the state in which it may occur an opportunity to annul the fraudulent action so taken, and recall the pretended vote so cast through usurpation, before the same is finally received and counted as her genuine vote.

On the other hand, the election in Louisiana was determined by a partisan returning board, exercising discretionary revisory power over the votes cast. This power was unauthorized, but even if authorized, the board flagrantly and outrageously abused it. They were supported in its exercise by visiting statesmen, sent also by the President to Louisiana. They were surrounded, while engaged in it, by Federal troops (Post, 20–1 ; Post, 28–29).

Here, then, was disclosed a new danger. A discretionary power over the result of an election in a state by one of the parties, to be exercised with the aid of external influence and patronage, and with the protection of Federal troops, is, of all conceivable things, the greatest mockery in the way of an election and the greatest danger to free government.

It became, therefore, the duty of Congress to inquire into these frauds in order to correct them when within its power, and when not, to recommend to the state legislation to that end.

To refrain from inquiry into gross wrongs is to invite their repetition.

CONDUCT OF THE INVESTIGATION.

In conducting this investigation, the committee have not been unmindful of its difficulty and importance, and have endeavored to conduct it with absolute and judicial fairness.

Since it was unavoidable in an investigation of this magnitude that much secondary testimony should be received, some of which might thus unjustly involve the fair fame of individuals, we thought it proper that the Republican members of the committee should decide whether the sessions of the committee should be private or open ; and on their determination at last that the session of the committee should be open, it was so ordered.

We have called every witness that was required by the minority of the committee in respect of questions at issue; and as to any other matters, we have endeavored to adapt our conduct to their wishes.

Generally we have desired that every opportunity consistent with our means of ascertaining the truth should be afforded to all concerned; and we are glad to know that in this respect there is no difference in the committee, and that the majority and minority are alike agreed that every proper facility has been afforded by each to the other. No complaint, in respect of the conduct of the committee, has been expressed by any member of it.

DIFFICULTIES OF SUCH AN INVESTIGATION.

An investigation into the conduct of a party in power, conducted by a committee set on foot by the opposition, is necessarily subject to great difficulties and embarrassment.

The power of such a committee to elicit truth is limited to the willingness of witnesses to speak it; for when witnesses choose to withhold or pervert the truth they can do so without fear of punishment, since punishment is alone lodged in the hands of those for whom the truth is withheld or perverted. Men are naturally unwilling to admit frauds in which they have participated, especially when they gain nothing by the admission, and they have no inducement to admit their participation in such frauds to a committee which has nothing to give them. Beyond the advantage of telling the truth for conscience sake, the solace of chagrin at a want of due recognition or the hope that a change in parties may bring reward for their confessions, they have no impelling motives for such admissions.

The confessions of persons who participated in such frauds are unlikely to be made, and when made, are not readily accepted as such. The committee do not doubt that some of the witnesses who have testified before them as to frauds in the election of 1875, and their participations in them have done so from chagrin and disappointment; nor that others may have done so in some hope of a change that might result in their political preferment. But the passage by the House of the resolution that Mr. Hayes' title was unassailable put an end to all such hopes, and was at once followed by a marked falling off in the readiness of persons who had participated in frauds in Florida and Louisiana, and who had not been satisfactorily rewarded, to make or sustain their revelations.

POWER OF PATRONAGE TO CONCEAL WRONG.

On the other hand, the power of an administration with the absolute disposal of one hundred and ten thousand offices, some of whose members are most interested in disposing of them so as to sustain themselves and their action, is enormous, as has been felt at every step of the investigation.

There is no form of continuing influence equal for convenience and control to that of an office. If a man be bribed by a sum down he may lose it or waste it, and then the control it gave over him will be gone. But in an office which he holds at the pleasure of the person who appointed him he is under continuing control. While he is compliant and serviceable he receives a support; but when he fails in either regard, or confesses where he might have kept silent, his supplies are cut off and he is turned out on the world without means and without character, ruined by his confession of the truth.

Patronage has, besides this, the further advantage that it affords the possibility of ascribing its bestowment to just causes, so that, while being used for the most reprehensible purposes, the motives of its use may be concealed.

It is the history of all state conspiracies that if the conspirators succeed, the means by which they do so are rarely disclosed or published whilst their party remains in power.

How fully the administration has profited by these examples, and how desperately it has used the Federal patronage, alike to reward and keep under control those who participated in the frauds of 1876 and to retain witnesses in its interest, will appear.

CONFESSIONS BY THE GUILTY QUESTIONABLE.

The character of persons engaged in conspiracies, such as those in question in Florida and Louisiana, requires that their statements, whether in confession or denial, should be received with suspicion. It was unavoidable, from the character of those concerned, that the committee should be exposed to mistake and imposition. It was long ago said that the investigation of conspiracies was alike odious and necessary, and your committee have not found this investigation any the less disagreeable or any the less important than the inquiry into other state conspiracies have been. But, however bad the character of conspirators or however unreliable their statements, there are in transactions of the sort, when a sufficient number of witnesses can be examined and many items of testimony collected, certain general patent and controlling facts from which a just conclusion as to what occurred may be reached.

COMMITTEE HAVE RELIED ON OTHER TESTIMONY.

Your committee have therefore desired to rest their conclusions, so far as might be, rather upon such known and patent facts and the attendant circumstances than on the confessions of any of the parties who participated in these transactions; and they have not found it difficult, apart from these confessions, to come to a clear conclusion in respect to what in the main occurred.

MISREPRESENTATION ON THE COMMITTEE.

Your committee have noticed that very gross misrepresentations from time to time, and indeed almost daily, have appeared in the public press in respect to their declarations, conduct and actions.

Although they had maintained the most absolute silence about the purposes and action of the committee, and have conducted the investigation with the most careful propriety and fairness, there is hardly any improper or unworthy statement which has not been falsely put in their mouths, nor any nefarious and corrupt purpose which has not been attributed to them. They have, however, kept in mind the rule which required them neither to state anything about the action of the committee nor about their own views in respect to the matter in hand before making their report to the House; and having borne in silence for months these misrepresentations, they desire to say now, in this proper place, once for all, that the same are, and each of them is, absolutely without any foundation whatever.

UNIFORMITY AND UNCONTRADICTED NATURE OF THE TESTIMONY.

As regards the transactions in the state of Florida there can hardly be said to be any contradictions or dispute, except to the part the visiting statesmen took in some of the occurrences there.

No witnesses have appeared to contradict the witnesses to the frauds in that state or the general facts to which they testified.

Nor in Louisiana has there been contradiction about the transactions which took place there, except in some degree to the question of intimidation and as to the participation in and control by the visiting statesmen over the action of the returning board and officers of registration. So that, generally, your committee were not embarrassed in considering the transactions in that state by any conflict of witnesses.

In this report they make reference to the testimony of the witnesses, as they proceed, by pages.*

I.

FLORIDA.

The board of canvassers of the state of Florida usurped revisory power over the votes cast. Without warrant of law they rejected votes where they saw fit, instead of compiling them; and that they usurped this power for partisan purposes, and exercised it partially and fraudulently, has been in part confessed. But as the power usurped had no lawful existence, the motives which inspired its exercise may perhaps be regarded as immaterial (McLin, Fla., 98).

ELECTORS—HOW APPOINTED.

The Constitution of the United States (art. 2, sec. 1) provides "that each state shall appoint, in such manner as the legislature thereof may direct, the electors of President and Vice-President for that state."

The legislature of the state of Florida directed that the electors of that state "should be elected by ballot."

The laws of Florida provide that the person *having the highest number of votes cast* for any office shall be elected to such office; that upon the close of the polls the inspectors shall proceed to canvass the votes cast; that the canvass shall be public and continuous until completed; that the votes shall then be counted; that if the number of votes exceed the numbers of persons who have voted according to the clerk's list, the excess publicly drawn out by lot shall be destroyed. Duplicate certificates of the result shall then be sealed up and sent to the clerk of the Circuit Court and the judge of the county (Rush's Digest, chap. LXVI).

Upon the receipt of the returns the judge and the clerk are to meet at the clerk's office, and, with the assistance of a justice of the peace of the county, proceed to *publicly* canvass the vote *as shown by the returns on file*, and to forward certificates of the result to the Secretary of State and the governor; and within thirty-five days after the election the Secretary of State, attorney-general and clerk of the Supreme Court are to meet at the office of the Secretary of State and canvass the returns, and if any of the county returns "be shown, or shall appear to be so irregular, false or fraudulent that the board shall be unable to determine the true vote for any such officer or member, they shall so certify, and shall not include such return in their determination and declaration, and the Secretary of State shall preserve and file in his office all such returns," and the accompanying papers.

POWER OF STATE CANVASSERS.

This was the only power given the state canvassers. They had no other power whatever. The authority thus given them was an authority to perform the ministerial duty of canvassing and compiling the returns of the election sent them by the county officers, except when so false, fraudulent or irregular *on their face* as not to disclose the vote, and to thus arrive at the result of the vote cast. Indeed, the naked power to canvass returns of itself involved the power of discriminating between what were real and what were forged or only pretended returns of the vote cast. Such a power is a necessary concomitant of the power to canvass returns. In order to count—whether it be votes or money, or any other thing—it is necessary that the one who counts must first decide as to what is to be counted. But the discretion of determining what were real returns from the county officers, and whether they expressed a vote that could be determined from them, was the only power or discretion whatever committed to the state canvassers in Florida. Such has been held to be the law in Florida, both before and since the canvass of 1876 was made. In 1870 the Supreme Court of Florida, in the case of Boxham vs. The State Canvassers (13 Fla., '73–'77), declared that the "object of the law was to ascertain the number of votes cast, and determine therefrom and certify the result of the election;" that it is the "duty of the state canvassers to determine whether the paper received by them purporting to be returns were, in fact, such, and were genuine, intelligible and substantially authenticated by law," and if so, it was their duty to count and canvass them.

This law was, in December, 1876, reaffirmed in Drew's case by the unanimous decision of the Supreme Court, of which the majority were Republican. "The duty and power of the board of state canvassers," say the Court, in that case, "was confined exclusively to the compiling of such "returns of any election as should come to their hands from the county canvassing boards, and "upon computation of the aggregate vote, as shown by such returns, to ascertain who had received "the highest number of votes for any office, and to certify the result and declare therefrom who "was elected to any office" (Fla., 59).

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* References are made to the testimony taken by the committee by pages simply, thus: p. 10; to the testimony taken by the Florida sub-committee as Fla., p. 10; to that taken by the first Louisiana sub-committee as La., p. 10. The testimony taken by the second Louisiana sub-committee is embodied in the testimony of the main committee.

Such has also been held to be the true meaning of similar laws in the other states of the Union. Indeed, there is no question better settled; and none as to which the view established is more in accordance with the spiril of our institutions, separating government into distinct departments, in which the judicial, the legislative and the executive authorities exercise distinct and independent functions.

UNLAWFUL ACTION OF STATE CANVASSERS.

By the genuine returns made to the board of state canvassers, the Tilden electors were chosen by a majority of 91. This result the state canvassers overcame by arbitrarily and unlawfully rejecting portions of the votes duly returned to them. Under the claim of exercising a discretion with which they had not been clothed, they excluded the entire return from Manatee county, and parts of the returns from the counties of Hamilton, Monroe and Jackson, amounting to over 1,000 votes, and thereby gave the state to the Hayes electors by a majority of 220, instead of declaring the true majority for the Tilden electors.

UNLAWFUL ACTION CONCEALED.

After all the board had heard the proofs and arguments before it, it conducted its final conference in secret. Federal troops surrounded the State House, and access was only permitted through the state officials, of which Governor Stearns was the head, Throughout the whole canvass, and before the election, he had been alike vigilant, unscrupulous and determined. It was only on the morning of the 6th of December that it was announced that the board had decided to give their certificate to the Hayes electors. At the same time they announced that Stearns, the Republican candidate, had been chosen governor (Fla., 147).

TILDEN ELECTORS MEET AND VOTE.

On the same 6th of December, being the day appointed by law for the meeting of the electoral colleges (R. S., § 135), the Tilden electors, who had received a clear majority of all the votes cast in Florida at the election of 1876, and who were thereby, by virtue of the constitution and laws of the state of Florida, duly appointed the electors of that state, met and cast their votes in distinct ballots for Samuel J. Tilden for President and Thomas A. Hendricks for Vice-President of the United States, and certified the same in due form to the President of the Senate of the United States (Electoral Count, 12–14).

ACTION TO TRY THE TITLE OF THE ELECTORS.

On that day, but prior to their meeting, and prior, also, to the assembling of the Hayes electors, the Tilden electors also brought an action by *quo warranto* to try the title of the Hayes electors to the offices which they usurped. In that action judgment was subsequently given declaring that the Hayes electors were usurpers and had no title to the office, and that the Tilden electors had been duly elected thereto, which judgment remains in full force and effect, unreversed and undischarged.

ACTION TO TRY THE TITLE OF GOVERNOR.

At the same time an action was brought by Drew, claiming to have been duly elected as governor of the state, for a *mandamus* directing the canvassers to re-canvass the vote of the state for governor, according to the established law of Florida, which, like that of other states, provides for directing a re-canvass, or completion of the canvass, in case of mistake, neglect or abuse by the canvassing officers. In that proceeding the Supreme Court of Florida adjudged and declared that the canvassing board had exceeded its powers, and had usurped discretionary and revisory functions not committed to it by law, and that its duty was to count the votes returned to it, not to discard them, and directing it to complete the canvass of the votes duly returned to them (Fla., 60, 74).

THE RE-CANVASS FOR GOVERNOR.

In obedience to that direction the board of canvassers did proceed to re-canvass the vote of the state for governor, and returned Drew as elected, and thereupon he entered upon the office of governor, and has remained such, without question, ever since.

In January, 1877, the legislature of the state convened. It at once declared that it was the duty of the state canvassers to also count the votes for electors, according to the judgment rendered by the Supreme Court of the state, and directed that they proceed to re-canvass the vote accordingly, and to verify the result of the election. And the board of canvassers did thereupon proceed to re-canvass the votes in accordance with the law as settled by the Supreme Court, and as ordained and directed by the legislature, with the result that the Tilden electors were found to have been chosen by a majority of ninety-one votes (Act January 7, 1877; Electoral Count, 22).

The same statute declared the electors shown to have a majority on the re-canvass made according to law to be the true electors, having the right, and alone having the right, to cast the vote of the state; then superadded an appointment by the legislature under the Constitution of the United States; and also provided for a lawful and conclusive authentication of the right of such electors to cast the vote of the state, and for the issue of true certificates by the state canvassers and the issue of true certificates by the governor (Electoral Count, 22).

Thereupon the governor of the state proceeded to issue his certificate in due form (R. S., § 136), declaring, as provided by law, that the Tilden electors, which had duly met and voted on the 6th of December, the day fixed by law, were the persons appointed to the office of electors for that state.

DECLARATION BY THE STATE OF FLORIDA.

And thus it was that the state of Florida, prior to the second Tuesday in February, when the votes of the electoral colleges were to be opened and passed upon and counted in Congress, as provided by the Constitution and the law, had duly declared, by every department of her government

—the executive, legislative and judicial—that the votes cast at the election of 1876, in accordance with the Constitution of the United States and the laws of that state, the Tilden electors were the true and only electors appointed in Florida, and were the only persons entitled, on the 6th day of December, 1876, to cast the vote of that state for President and Vice-President, and that the Hayes electors had usurped the office, misrepresented the choice of the people and the wishes of the state.

USURPERS RECOGNIZED.

But it was impossible to get any decision by the court on the *quo warranto* in the few hours between the announcement in favor of the Hayes electors by the canvassing board and noon of that same day; and at noon the persons who were unlawfully declared by the state canvassers to have been chosen electors met and assumed to cast the vote of the state for Hayes and Wheeler. So that while the usurpation of the state canvassers was corrected by the state at the earliest possible moment, and the canvassers, by withholding their declaration, had themselves fraudulently prevented its earlier correction, and although the persons who were really elected had duly met and voted for President on the law day, nevertheless, the Electoral Commission decided, because of the fraudulent return of the canvassing board, and because the governor had fraudulently withheld his certificates from the true electors, and given them to the persons falsely returned electors by the canvassing board, that the spurious electors were in possession of the office on the law day, and did exercise the power of the state, and that all the authorities of the state combined were powerless to give evidence, and Congress was powerless to accept evidence of the public facts which everybody knew. And Mr. Hayes holds his title by this decision (Electoral Count, 11).

FRAUDULENT ANIMUS OF STATE CANVASSERS.

It was assumed in Florida that the state canvassers could exercise power to go behind returns, and during some days evidence was introduced and discussions had before them in contemplation of that probability. It might seem, therefore, not to be just to conclude from the mere assumption by the state board of such powers that they intended to act falsely and fraudulently. But an examination of what they did will disclose that their controlling purpose was to count the state, at all events, for Hayes. While frauds pointed out by Democrats were disregarded, Democratic votes enough were excluded, without just cause, to secure the result upon which they had determined.

A review of the votes cast returned to and rejected by the state canvassers will make clear the fraudulent animus which controlled the Republican members of that board

IN REJECTING VOTES.

The whole vote of the county of Manatee, which was 262 for the Tilden and 26 for the Hayes electors, was rejected for the alleged reason that there had been no clerk to conduct the registration. That there was no clerk was because Stearns, the Republican governor, had failed to appoint one for that Democratic county. For this official dereliction on his part the board deprived all the voters previously registered of their suffrage, and rejected the whole vote of the county (Sen. Rep., 611, pp. 356–'64).

In Hamilton county they threw out the whole vote at poll No. 2, in Jasper precinct—where the vote was 320 for the Tilden electors and 189 for the Hayes electors—without any charge of illegal voting, but on the alleged ground of irregularity, because two Republican inspectors who conducted the election and made the returns, filed an affidavit before the board, stating that they had absented themselves from the polls different times during the day (Ibid., pp. 151–154; ibid., pp. 416–425).

In Monroe county they rejected the return of 401 Democratic and 59 Republican votes because the canvass was not completed that day, the inspectors having adjourned and completed it the next morning, although there was not even a suggestion of wrong in the count or custody of the bollots.

In Jackson county, Campbellton precinct—giving 291 Democratic and 77 Republican votes—the vote was entirely thrown out, although it was not even claimed that more than 133 Republican votes could have been given, because the inspectors went to dinner and left the ballot-box meantime carefully locked in a secure place, also locked and barred, placing the keys in the possession of the Republican inspector, who certified to the returns and testified that there was no fraud nor wrong about the election. And the return for Friendship precinct, giving 145 Democratic and 44 Republican votes, was rejected, because the inspection officers, who were colored, left the church, where the election was held, at night, without completing the count, to go to a neighboring house to get lights and paper to complete it, and there made their return (Ibid., pp. 175–178; ibid., 201–'2).

IN RECEIVING VOTES.

On the other hand, frauds by which the Democrats suffered were disregarded.

In Alachua, Dennis was the chairman of the Republican committee, and the virtual manager of the Republicans in the county. To his house, on the night following the election, came Richard H. Black and Thomas H. Vance, two colored men who had been conducting the election at Archer precinct, box 2; Vance as inspector and Black as clerk, both leading and managing Republicans (Dennis, 477; do. 494; Fla., 155–171).

They brought with them a blank for the returns of the election already signed and sealed, but as to which the figures remained to be filled in. They were asked by Dennis what was the vote at the precinct where they attended, and they informed him that it was 178 Republican and 141 Democratic; and they had so announced it at the polls. At that he expressed great indignation, and declared that the business had not been properly managed, or no such result could have been reached. They expressed contrition, and their willingness to correct any error that had occurred in the returns. He accordingly furnished them with an upper room, and with a printed list of the voters of the county, and from that printed list they proceeded to add 219 fictitious names to the poll-list, and as many to the Republican candidates. This brought the vote up to a total of 397 Republican and 141 Democratic, and their return was filled up to correspond with this result. This fraudulent return was then forwarded to the county canvassers, and embraced in their return to the state canvassers, notwithstanding one of the inspectors at that pole made affidavit the return was false and forged. The visiting statesmen allotted to Governor Noyes the task of maintaining the truth and fairness of this return before the state canvassers (Dennis 492, 493, 494; Fla., 169; Dennis, 492–'4, 483, 486, 493).

These returns were attacked by the Democrats on the grounds of this addition. Dennis defended them. The board allowed them. McLin, one of the board, and Dennis, Black and Vance were all subsequently appointed to office by Hayes. McLin and Dennis were thereafter retired, and McLin then admitted the fraud in Alachua, and Dennis confessed his participation in it. Black and Vance have been in attendance on your committee, but have not appeared to deny the transaction. They still continue to hold their places in the departments. The transaction itself, therefore, may be said to remain uncontradicted (McLin, Fla., 129–130; Fowle, Fla., 151–154).

In Leon County, Bowles, one of the inspectors of the election procured a lot of small Republican tickets, to be printed in very fine type and on thin paper. These tickets, spoken of in Florida as "little jokers," he had printed at the official Republican printing office. Before the election he showed them to McLin, and stated his purpose of using them. The plan was to fold them up inside the ballots that were voted, and have them surreptitiously so cast, or otherwise to smuggle them into the ballot-boxes, which their small size easily admitted of. McLin advised Bowes not to use them. After the election Bowes stated that he had managed to smuggle seventy-three of them into the boxes in his precinct, and he told McLin, after the state had been awarded to the Democrats, and it was known Drew was to be governor, that he was in a scrape on this account, and that he had to clear out for stuffing the boxes. It was claimed, because these ballots were found loose in the box, and not folded inside the other tickets, that they had been regularly cast; but it would have been very easy to have produced that effect, either by some other manner of stuffing the box than the one originally proposed, or by shaking the box after they were deposited, and thus scattering them, and that circumstance was of no weight against Bowes' own admission, and against the evidence of the persons receiving the ballots, that not one of these small ballots was voted. Bowes fled the state for protection, and found a refuge in the Treasury Department at Washington, where he still remains (Fla., 99; Edwards, Fla., 94–'7; Fla., 129, 152, 153; Booth, 153).

In a certain precinct in Jefferson county, where Bell was inspector, the inspectors tied up the tickets into bundles of one hundred each and laid them out on a counter. Bell ingeniously withdrew one of these bundles, probably all Democratic votes (but whether all such or part only and part Republican, perhaps, does not clearly appear), and substituted instead one hundred Republican ballots; for which little service—early admitted and confessed also to McLin when the Democrats recovered the state—Bell found a haven in the Department of the Interior (McLin, Fla., 99, 126–130; ibid., 126–130).

THE FACE OF THE RETURNS.

It has been denied upon the face of the returns the Tilden electors had a majority of the votes cast.

The Executive and the Repuplican officials of Florida who conducted the election well knew the importance of having a majority on the face of the returns, and they made the most desperate efforts to secure one. But it will be seen that the effort failed, and that only after it was learned that the returns gave the Tilden electors a majority that the expedient of assuming unauthorized discretionary power was resorted to by the state canvassers.

About this there ought to be no dispute. The returns from the various counties, as certified to the board of state canvassers, gave 24,441 votes for the Tilden electors and 24,350 votes for the Hayes electors. An attempt was made to falsify the returns from Baker county so as to reverse the result. The history of this attempt, as told by the Republicans who conducted it, and confirmed by all the evidence, is significant (Bloxham, Fla., 54).

BAKER COUNTY FALSE RETURN.

The law required the county clerk (clerk of the Circuit Court of the county), county judge, and a justice of the peace for the county, to canvass the precinct returns as soon as they were all received, and if not then all received, to canvass those received by the sixth day after the election, and certify the result to the secretary of state and governor (Coxe, Fla., 11 and 47).

In case of the absence or refusal of the county judge or clerk to act, the sheriff of the county was to be called upon to act in his place. The canvass was to be conducted publicly at the clerk's office (Coxe, 11 and 47).

The returns having been all received, Coxe, the clerk of the county, notified Allen, the sheriff, in the absence of Driggers, the county judge, to attend on the 10th of November, at the place prescribed by law, to canvass the returns. A like notification was given to Dorman, the justice of the county. Dorman attended, but Allen, the sheriff, refused to join in the canvass, which the clerk and the justice thereupon proceeded to make and return to the secretary of state. The county contained four precincts, the votes from all of which were embraced in this canvass, and gave 238 votes for the Tilden and 113 votes for the Hayes electors (Coxe, Fla., 12 ; Bloxham, Fla., 7).

Driggers, the county judge, hearing of this canvass, on the 10th of November gave written notice to Coxe and to Dorman of a canvass to be held on the 13th of November, that being the latest day allowed by law for canvassing the returns. He then went to Tallahassee, and there learned the result in the state, and that the vote of Baker county gave the state to Tilden. He procured there from Stearns, the governor, a commission to one Green, as a justice of the peace, and returned to Sanderson. On the 13th Dorman and Coxe attended, upon the notice which Driggers had given, to proceed with the canvass. Driggers absented himself part of the day, but they subsequently found him, and he then refused to join them in the canvass. They then applied to Allen, the sheriff, to join in making the canvass, and he, under instructions from Driggers, refused also. Driggers told Allen that "they (the Republicans) were beat in the state ; that something must be done," and that "he proposed to have a canvass by himself." Allen asked him how he could get any one to act with him, and he said he "had got it all right ;" that he "had a commission for Bill Green as a justice of the peace" (Coxe, Fla., 16 ; Driggers, Fla., 33 ; Coxe, Fla., 14–17 ; Allen, Fla., 18 ; Green, 25).

Coxe and Dorman, after waiting all the day, proceeded, late in the afternoon, upon the refusal of both the sheriff and county judge to join them, to complete the canvass themselves. This corresponded exactly with the canvass made upon the 10th ; and they certified the result, with an explanatory note, stating the refusal of the other officers to participate in the canvass, and left and locked up the clerk's office (Coxe, Fla., 12).

After dark Driggers procured a key to the clerk's office, and taking Allen and Green with him, entered and found the returns lying on the table, where Coxe and Dorman had left them. He then told Allen and Green that they must throw out two precincts—Darbyville and Johnsville—which gave Tilden a majority of 126, and they excluded them entirely, and took the addition of the votes of the other two precincts made by Coke and Dorman, and returned those two precincts alone as the vote of the county. In excluding from the returns the two precincts that they did, Allen and Green acted solely upon Driggers' direction. They had neither proofs, affidavits nor other evidence of any kind before them; but Driggers said that he knew one case of illegal voting in one precinct and one of intimidation in another, and they must exclude these precincts, and that it was necessary for the success of the Republican party in the state that they should do it; and they did it (Allen, Fla., 19; Allen, Fla., 18; Driggers, Fla., 33; Green, 25).

When the board of state canvassers came to Baker county, having before them the returns from all the precincts, with which of course the Coxe return corresponded, they properly took the Coxe return and canvassed it. McLin first read out the Driggers return as if the only one received, because, as he says, "it was the one most favorable to the Republicans." But on the other return being demanded, the fourth-precinct return was reluctantly produced, and was then read, and was canvassed. This left a majority upon the face of the returns for the Tilden electors and for Drew, the Democratic candidate for governor. But by exercising the arbitrary power of rejecting votes from other counties, the state canvassers succeeded in bringing out majorities for the Hayes electors and for Stearns, the Republican candidate for governor. But none the less it remains that according to the face of the returns the Tilden electors were duly chosen in the state of Florida, and should have been so declared (Pasco, Fla., 55-56; McLin, Fla., 105).

It was claimed that if the canvassers must count by the face of the returns, they were bound to count the Driggers instead of the full returns from Baker county, because it was signed by the judge, a justice and the sheriff, while the full return was only signed by the clerk and a justice. But the sheriff had no power to act except when the clerk or judge did not. And as the returns showed that both the clerk and judge had acted, they furnished the board the evidence on their face that the contingency in which alone the sheriff was authorized to act had never occurred, and that his action was a nullity. The board had, therefore, before it two returns, each signed by two authorized officers only, one returning the vote of but two precincts, the other returning the vote of all the precincts in the county and explaining the absence of the judge and sheriff. On the face of the returns, therefore, the latter was a complete, the Driggers return only an incomplete and partial return; and, under the circumstances disclosed by the returns, one suggestive of fraud.

BAD FAITH OF THE STATE CANVASSERS.

The conduct of the two Republican state canvassers subsequent to this canvass shows their want of good faith; for, after the direction of the Supreme Court requiring the re-canvass of the vote for governor, they volunteered to re-canvass the vote for the electors in accordance with its decision in the case of the vote for governor—that is, according to the true returns before them. As doing this would give a majority to the Tilden electors, when they came to Baker county they took the return Driggers had manufactured, containing but two precincts of that county. and thereby made the result seem to be, upon the face of the returns, for Hayes. But as between the double returns from this county it was within their province to decide, and as they had the facts and the precinct returns before them, and had previously determined that the Driggers return was partial and false, their adopting it on this canvass, under the false pretense of obedience to the court, was another fraudulent act in violation of right and law to make it falsely appear that the state had gone for Hayes. Especially clear is this, as in both their canvasses of the governor's vote they included the fourth-precinct return of Baker county (McLin, Fla., 107; McLin, Fla., 127).

Howell, an employee in the clerk's office of Baker county, claimed the credit of causing the Driggers canvass, and insisted that it was he that had secured Mr. Hayes' election, as the double returns from that county furnished the pretext for counting it for Hayes; and he was rewarded for his ingenious device by being made United States collector of the port of Fernandina (McLin, Fla., 141).

THE ACCURACY OF THE PRECINCT RETURNS.

An application was made to your committee to show that the precinct returns in the state of Florida did not correspond with the votes actually offered. That evidence we declined to receive. An inquiry as to whether the local election officers of the state of Florida had improperly received or rejected any votes would be neither profitable nor practicable. Such an inquiry would involve evidence not only as to what took place before them, but as to the residence, naturalization, or other fitness, as well of the persons whose votes were rejected as of those whose votes were received, and might be so conducted as to extend to every man in the state, and its completion thus be made absolutely impracticable (Allen, Fla., pp., 22-3).

Beyond this the laws of the state of Florida do not contemplate such an inquiry. The laws require the precinct officers to count the votes cast, so far as they tally with the poll-list, and return the same to the county officers, who are to compile and forward the votes thus returned them by the precinct officers to the board of state canvassers; and the state has withheld from them any other authority. When the precinct officers and the county officers and the state officers had exercised these powers, and the only authority vested in them, the result showed that the state had cast its vote for Tilden. That vote had been ascertained by the means provided by law, and an inquiry into the purpose or wishes of the individual voters would have been alike impracticable and without the law of Florida.

In view of the control which the Republican state officials exercised over the election and returns throughout the state, and their determination to use every possible influence, power and opportunity to have the state counted for the Republicans, it is quite certain that no injustice could, on the whole, have been done to their own party by the local officers of election. But had it been otherwise, it was not within the authority of Congress to correct the evil, nor within its powers efficiently to investigate it; and we therefore decided not to enter upon an inquiry such as the state had not provided for, which could not be brought to any conclusion within the term of this Congress, and which could result in no fact important for the determination of the real questions involved in the investigation.

THE DECISION OF THE ELECTORAL COMMISSION.

As is well known, the Electoral Commission, by a strict party vote, refused to inquire into fraud in the appointment of electors, and refused to receive evidence thereof or to inquire into their title, and refused also to recognize the vote cast by the electors appointed in accordance with the Constitution and the laws of Florida, and which, upon the completion of the canvass directed by the legislature, and conducted in accordance with the judgment and direction of the Supreme Court, had been verified as the only real appointment by Florida. They persisted in counting instead the vote given by the usurping electors on the 6th of December for Hayes and Wheeler, which is the foundation of their title.

And yet, as has been stated, there is really no question or dispute about what did occur in the state of Florida, and it is evident from all the proceedings in that state that, according to a true return and canvass of the votes cast, a majority of the votes of that state were cast for Tilden and Hendricks, and not for Hayes and Wheeler.

Nor can it be doubted, from a review of the undisputed facts, that the action of the state authorities in falsely returning the state for Hayes and Wheeler, was an intentional wrong, fraudulently and knowingly carried out under the encouragement of the visiting statesmen.

THE DANGER FROM THAT DECISION.

Such a wrong may be repeated in any state at any Presidential election, and the Electoral Commission has decided that, if it be not corrected by the state before the first Wednesday of December following the election, it cannot, under existing laws, be corrected at all, and that the vote of the usurping electors must be counted.

This we think an erroneous, unjust and dangerous determination.

The exercise of choice by one entitled to suffrage cannot be said to be complete until his vote is finally deposited. If a man were to approach a poll, and offer to vote by handing up a ballot, and his vote should be challenged, and he should be subjected to question, and finally be required to swear in his vote, and the ballot he tendered should be passed up from the officer who received it to one who compared it with the registry, and from him to one who administered the oath and conducted the examination, and finally to that officer who was to deposit it in the ballot-box, and at the last moment the latter should remark to the voter: "I notice you vote for A B," and the voter should reply: "No; that is a mistake; I had a wrong ballot put into my hand; I intended to vote for C D; give me back that ballot;" every one would say that the correction was in time, and that the voter would have the right to recall the ballot which he had mistakenly passed up. Just so, it seems to us, that when, by the fraudulent and unlawful action of the canvassing board, men received certificates as electors who were not entitled to them, and thereupon assumed to cast the vote of the state, there remained in the state, until the return was finally opened and Congress came to decide what were the electoral votes, a power to annul the action unlawfully taken, and to declare that the vote thus returned was not her vote.

AND ITS INJUSTICE.

The Tilden electors, who had a majority of the votes cast at the Presidential election in Florida in 1876 were, by virtue of the Constitution and the laws of Florida, thereby appointed the electors of that state. It then only remained to declare their election. That the canvassing board fraudulently declared persons not elected to have been appointed, or that the governor fraudulently withheld his certificate from the true electors, did not affect the right of the Tilden electors, and when they met on the day fixed by law and cast their votes for President and Vice-President, theirs were the only votes for those offices entitled to be given, and when that fact was made to appear by the action and declaration of every department of the state government, no other votes should have been counted.

Neither the Constitution nor any law in pursuance of it limits the state from offering evidence to verify its vote or prevent the Congress from receiving such evidence at any time before they act in receiving and counting, or refusing to receive, the votes certified as the vote of the state. And the Constitution makes the two Houses of Congress the exclusive and final judge of what electoral votes shall be counted.

REMEDY RECOMMENDED.

But, since the Electoral Commission have otherwise decided, we recommend the passage of an act providing that in case of contest as to the choice of the electors in any state, if the highest court of the state shall hear and pass upon the title of the contesting electors, its judgment, when certified to the Congress any time before the second Monday in February following the election, shall be controlling upon that question, unless the two Houses of Congress otherwise order and agree.

MR. NOYES' CONDUCT.

It was claimed, and this was the only point upon which there was any conflict in the evidence, that the wrongful action of the state authorities was not procured by the co-operation of Mr. Noyes, and that he, at least, had no knowledge of their fraudulent purpose and conduct (Dennis, 478; McLin, Fla., 100).

Mr. Noyes seems to have been regarded as the leader of the Republican visitors and special friend of Mr. Hayes. He often spoke of Hayes as his intimate friend, and gave assurances of Hayes' fidelity to the Republican cause, and his special desire to take care of Southern Republicans. He occupied, while at Tallahassee, the same room with Gen. Lew Wallace.

He denies having made Mr. McLin any promise of office or reward for his conduct on the canvassing board, and Gen. Wallace says the assurances which McLin received were from him. As it was known that the Presidency was at stake, and telegrams from all parts of the country were coming in to the officials and canvassing board of Florida to stand firm, it doubtless "goes without saying" that McLin and Cowgill knew they were to be compensated or rewarded for any service that they did either party at that juncture, and Mr. Noyes admits having waited on McLin immediately after the canvass to thank him and offer his services to obtain reward for him (McLin, Fla., 98 and 100).

He denied having even had any private conversation with the canvassers. But as to this he is probably mistaken (Noyes, 504; Cocke, Fla., 149; McIntosh, Rippey, 1330; Dennis, 478–481).

There was some doubt about the sincerity of the visiting statesmen's desire to save the state for Stearns, the idea being that they cared only for Hayes. The Republicans known as carpet-baggers had an indignation meeting over this. Dennis had heard that Gen. Barlow had been negotiating with the Democrats to have the state counted for Hayes and Drew, and he went, as the representative of the carpet-bag Republicans, to see Mr. Noyes, whom, he says, they regarded and who was generally understood to be the personal representative of Mr. Hayes. He found Noyes and Wallace in bed, and in an excited manner stated the alarm he and his friends felt, and added: "We had determined that the state belonged to Tilden and Drew or to Hayes and Stearns; that it did not belong to a Republican President and a Democratic governor." He demanded that the management of the Republican case before the canvassing board be taken away from Barlow; "that they believed there was a trade going on, by which the national ticket was to be saved and the state ticket sacrificed; and that they intended to give the state to Tilden in that event, if they could, and that they believed they could." At this Noyes and Wallace both got up, went speedily out, giving Dennis satisfactory assurances; and the result was, that the management before the board was transferred from Barlow to Noyes.

Noyes admits the visit; says Dennis was greatly excited; complained that the local Republicans considered they were being sold out; demanded that the conduct of the case should be taken from Barlow, "and threatened all sorts of things—'to give up,' try to do nothing'—if the demand was not acceded to." Noyes adds that Dennis did not explain what he meant by selling out; that he neither understood nor thought about how it was possible, at all, and only acted as he did to accommodate Dennis and his friends, who were angry and distrustful (Noyes, 499).

Dennis further states, that in the Alachua case, in which he procured the affidavits to support the false returns, Noyes notified Dennis of his intention to call him as a witness; Dennis objected; "told him he must not do it, unless he wanted to give up his case, or words to that effect." "I wanted him," he testifies, "to understand that I objected to going on the stand, and it would do no good to put me there. He asked for no explanation, and I gave him none, and left him to draw his own inferences." "He knew that I was familiar with the election proceedings in Alachua county, and in getting the evidence. He knew that I did all the work there myself (Dennis, 482).

Noyes states that he asked Dennis to be sworn because he had insisted upon the correctness of the Alachua returns, and had undertaken to prove it, and had proved it to his own satisfiaction; but that he had learned that Dennis' life had been threatened; that he had heard somewhere of his calling together the colored people of the vicinity, and having them kneel down and raise their hands and "swear that if he was killed they would lay waste in every direction and avenge his death." "That," he adds, "made an impression on me. Knowing, therefore, the danger which he and others regarded him as being in, the impression I got was that he did not wish to testify so as to bring himself into conflict with anybody, especially, perhaps, because he himself was a candidate for the Senate, and his own election was at stake. That was the only impression I had" (Noyes, 497).

Many persons may regard these explanations as far from satisfactory, and, unfortunately for the last explanation, it has appeared that Dennis' own election was not at all at stake, having been previously decided, and that, so far from having been alarmed or having considered himself in very great danger, he had never been alarmed at all. On the contrary, he told Mr. Noyes "that it was often necessary to assume a bold and aggressive attitude; and, as illustration, said that he was once going to Noonansville to hold a meeting, and was warned by, perhaps, two or three citizens not to speak, that it might lead to a disturbance that might endanger his life; that he went on to the meeting and spoke, and stated the warning, and asked the audience if anything happened to him if they would retaliate and avenge him, which they expressed their willingness to do. He was not intimidated, and never gave Noyes the impression that he was; that, after learning of Noyes' testimony, he spoke to Noyes and told him it was wholly imaginary, and that he wished him to correct it; that he promised to do so, but left for Europe without doing so; that he then wrote him and received in reply the letter to be found at page 854 (Dennis, 853-855).

Dennis adds, and it is curiously illustrative of the intimidation cry, that the first time he heard of his being intimidated was on some social occasion, when Noyes was telling the same story he testified to before the committee, and that when he undertook to correct him, Noyes disposed of him with the reply: "Now, Dennis, do not interrupt me, this is my story;" of all of which Noyes makes no contradiction (Dennis, 854).

Noyes was not then a Federal officer; he has since received his appointment as minister to France. He may not be liable to be impeached for any action before he became minister, nor to any punishment by Congress; and the committee, therefore, submit whether the action of state canvassers of Florida was influenced by his conduct and action.

GENERAL BARLOW'S JUST COURSE.

Among the gentlemen sent by the Presidont to Florida was General Francis C. Barlow. His distinction as a lawyer, a soldier and a public man caused him to be regarded as a leader there. He argued various questions for the Republicans, but when finally desired to sum up their whole case before the canvassing board declined, because unwilling to insist upon all they claimed. He was ready to sustain everything that could be rightfully urged for the Republicans, but not what was clearly untrue, unjust and unfair.

After the proofs were closed he had an interview with Mr. Cowgill, one of the canvassers, in which he stated the necessity for applying the same principle to both parties, insisting that Democratic polls should not be thrown out where, on like facts and conditions, Republican polls were retained, nor Republican polls received where, under like circumstances, Democratic polls were rejected.

As the result of the application of these principles to the facts before the board, he stated to Mr. Cowgill he did not see how the vote of the state could be given to Hayes. In this Cowgill concurred. Governor Stearns then came in, and to him General Barlow repeated his views and convictions. Later in the evening he made a like statement to one of the Democratic counsel, and the following day he communicated these views to others. Mr. Cowgill having again called upon him and exhibited a change of feeling upon the subject, he then wrote him a letter reiterating his desire to see the same rules of law and evidence impartially applied to both sides.

For this General Barlow was severely censured before the committee by Mr. Chandler, who had charge in Florida of the Republican case, who insisted his conduct had been treacherous and dishonorable. It is conceded that General Barlow communicated no fact to the Democrats, nor expressed his conclusions until the case was closed, and then openly and frankly to his own party friends first; but Mr. Chandler claims that, standing in the relation he did to the Republican party, he ought not to have expressed to the canvassers or to the public his conviction as to the result of the election and the duty of the board.

General Barlow seems to have really thought that Florida ought not to have been counted for the Republicans unless that could be fairly done. Indeed he told Mr. Chandler Mr. Hayes would not accept the Presidency unless satisfied he was fairly elected. This Mr. Chandler denounces as "a shallow and sickly pretense" on the part of Mr. Hayes.

It affords the committee satisfaction to find one man with whom, at any rate, this was not a pretense; and who, notwithstanding he regarded the election of Tilden "as a great national calamity," was still willing to face the coldness of his friends and the accusations of his associates in the discharge of what seemed to him, as it does to us, a paramount duty; and who did really go to Florida for the purpose of seeing "a fair count." That his was the single instance of such integrity and independence only entitles him to the more respect.

LIST OF OFFICE-HOLDERS.

In conspiracies everything is to be presumed against the conspirators. In crimes participation in the fruit of the crime is among the strongest evidences of complicity in it.

The following officers of the government were in Florida during the Presidential canvass, drawing their regular salaries, looking after the canvass:

Thomas J. Brady, Second Assistant Postmaster-General.
E. W. Maxwell, Assistant in Attorney-General's Office.
——— Peyton, " " " "
H. Clay Hopkins, Special Agent Post-Office Department.
Wm. T. Henderson, " " "
Z. L. Tidball, " " "
B. H. Camp, " " "
Alfred Morton, " " "

The following were visiting statesmen since appointed to office:

Edward C. Noyes, Minister to France.
John A. Kasson, Minister to Austria.
Lew Wallace, Governor of New Mexico.
John Little, Attorney-General of Ohio.
Gen. Francis C. Barlow, late Republican Attorney-General of New York.

Wm. E. Chandler, Secretary of National Republican Committee, were also among the principal visiting statesmen.

General Barlow wrote a letter stating that Tilden was elected.

Mr. Chandler wrote a pamphlet reflecting on Mr. Hayes. Neither of them have been appointed to any office.

The following persons were connected with the count in Florida, and have since received the following appointments:

M. L. Stearns, governor, Commissioner of Hot Springs.
John Varnum, adjutant-general, Receiver Land Office.
George H. DeLeon, governor's secretary, Custom House.
Samuel B. McLin, state canvasser, Justice of New Mexico.
F. C. Humphreys, first elector at large, Collector Pensacola.
Charles H. Pearce, second elector, has been convicted of bribery when member of legislature and pardoned by Stearns (Sen., Rep., 611, p. 14).
J. W. Howell, Baker false return, Collector Fernandina.
L. G. Dennis, Alachua, manager, Treasury sinecure. Dennis became dissatisfied with this subordinate position; was removed, and then published an affidavit admitting the fraud.
Richard H. Black, false returns Alacha, Custom-house.
Thos. H. Vance, false returns Alachua, Sixth Auditor's Office.
W. K. Cessna, county judge Alachua, Postmaster Gainesville.
Joseph Bowes, stuffed boxes Leon county, Treasury.
James Bell, changed tickets Jefferson county, timber agent (Bell was dropped but after Dennis' statement was reinstated).
Moses J. Taylor, clerk Jefferson county, Land Office.
Manuel Govan, Rep. manager Monroe, Consul Spezzia.
——— Phelps, political manager, Sec. to McCormick at Paris.
E. W. Maxwell, detective, lieutenant regular army.
G. D. Mills, telegrapher, Interior Department.
William J. Purman, member of Congress, had sister in Treasury Department; declared he considered Tilden elected, and his sister was dismissed.
Dennis Eagan, Ch. Rep. State Com., timber agent. Eagan came to Washington to testify; then stated he knew nothing; returned home, and received this appointment.

II.

LOUISIANA.

In Louisiana a returning board existed, having by statute (but, as we think, contrary to the state and Federal Constitutions) discretionary power in certain cases over the returns. They usurped a kindred power in cases where none was granted, and by arbitrarily and fraudulently rejecting more than ten thousand Democratic votes duly cast and returned, gave that State to Hayes.

SUPERVISORS OF REGISTRATION.

The election laws of Louisiana provided for a registration of all the eligible voters of the state. Supervisors for this registration, and their clerk, were to be appointed in every parish (county) by the governor. These supervisors were to conduct and continue the registration from year to year. They were to sit for thirty days preceding the election in order to hear the persons seeking to be registered, and to register or reject the same. From their judgment there was no appeal. They could, in effect, register whom they pleased and refuse whom they pleased; and the citizens rejected, or the body of citizens injured by improper registration, were alike without remedy. Possibly some action at law might have been taken against the supervisors, but none by which practical relief could be secured before the election (Act 1871, 155).

The law further provided that these supervisors might designate the number of polls for each parish and the places at which they were to be held; and that the voters registered might cast their ballots at any poll within the parish.

The law also provided that the supervisors, *prior* to the election, or commissioners of election upon election day, might protest against the freedom and fairness with which the registration or election had been conducted; and the protest, if accompanied by the affidavits of three citizens in support of the same, should be attached to the returns, and forwarded to the returning board; and that a duplicate of the protest should be filed with the clerk of the parish (Act 1872, 98, §3).

POWER OF RETURNING BOARD.

This returning board, thus possessed of the returns and of any protest accompanying the same, were then to hear evidence as to the allegations contained in the protest so forwarded, and decide thereon; and the law authorized them in case they decided that the election at any poll duly protested against had not been fair and free, to exclude the poll entirely, but not to purge it.

The power thus given to the returning board was a novelty. In no other state in the Union has such a power ever been retained. Mr. Sherman and the "visiting statesmen" have declared that "nothing could be more simple, nothing more just" than the provisions of this law (44th Cong., 2d sess., Ex. Doc. 2, p. 5).

In our judgment, nothing could be more unjust, more wicked, or more fitted to disguise and cover up fraud. Leading Republicans of Louisiana have spoken of this law as the greatest political invention of the age; and in the sense of its being the most dangerous and the most atrocious, they were right.

In the first place, the registrars had almost absolute control over the vote. It was not an infrequent thing when the supervisors were permitted to be candidates, for supervisors of registration to come just before the election into localities where they entire strangers, and return themselves, at the close of the polls, elected (Sheldon, p. 1468).

Under the provision by which the supervisor was to fix the polling places for the parish, he could withhold any announcement of them until so late that the opposition would not generally learn by the election day where the polls were fixed, while his own party friends, forewarned of his selection, could attend at the polls in full force (Burke, 1002).

Under the provision by which the voter might vote at any poll in the parish (county), it was easy to have the Republicans (especially those who were negroes) vote—for instance, in a parish of ten polls—at Nos. 1, 3, 5, 7; and when they had thus concentrated their votes at these polls to create some pretended or real disturbance at the other polls, and then to claim, because there were no Republican votes polled at these other polls, that such disturbances had prevented a free election there, and therefore to exclude such polls, whereby all the Republican vote concentrated at the selected polls would be preserved, while the vote excluded would be mainly Democratic votes. And this became a very common and barefaced performance under this law (Burke, 1002).

Beyond this, the control given to the supervisors of registration enabled them falsely to swell the registry of their party, so that whenever the vote of the party fell short of this registry, it could be claimed that there had been intimidation to drive off their voters.

It is always difficult to prevent a party in power from doing or permitting some wrongs at an election; but the extraordinary powers given to the election and returning officers in Louisiana, of course, added greatly to the opportunity for such wrongs.

THE COLOR-LINE PRETENSE.

The Republicans began early by assuming that the color-line divided the politics of the state, and in 1870 it substantially did. A few white men had obtained control of the political machinery, and partly through sympathy and promises, partly by organization, and partly by threats, they held the negroes in a complete control. But gradually their mismanagement of the state created such disappointment and distress that some of the negroes—few at first, and gradually more—upon local questions and issues in the beginning, and later upon state questions and issues, decided to leave the Republican party and vote with its opponents. The Republicans, on the other hand, for the same cause, received no accession from the whites. So marked had this defection of the colored people become that at the election of 1874 (after Kellogg was seated as governor, through an order of Judge Durell, for which he was subsequently presented for impeachment) a very considerable portion of the blacks had voted with the whites, and in the examination of that election the committee of this House, in the Forty-third Congress, reported that the state had undoubtedly gone for the Conservatives, because the number of white and black voters in the state being equal, and a considerable portion of the blacks having, for the reasons mentioned, voted with the Democrats, and none of the whites having voted with the Republicans, it was unavoidable that the Conservative candidates had received a majority of the votes (43d Cong., 2d sess., Rep. 261).

As illustrating how entirely all the whites of the state had then become united by "carpet-bag" rule against those who had administered it, that committee called attention to the fact that no witness had "succeeded in naming in any parish five white Republicans who supported the Kellogg government, who were not themselves office-holders, or related to office-holders, or those having official employment" (Ibid. Rep. 101).

This report of the committee of the Forty-third Congress was fatal to the control of the state by the Republicans under the conditions existing, and thereupon the Republicans adroitly set about a new census. In that new census they made it appear that there were twenty-five thousand more adult colored people in the state than adult whites (Burke, 1000-2, 1017).

THE FALSE CENSUS.

That this was a fraudulent return of the number of colored adults cannot be doubted. The Federal census of 1870, which had never been questioned for its accuracy, made the number of adults of the two races in the state just about equal; and all the causes which should have varied this relation had operated, as was stated by the committee of the Forty-third Congress, rather for the increase of whites than the blacks (43d Cong., 2d sess., Rep. 261).

Of the adult blacks in the state 24,300 were returned from the parish of Orleans alone. How utterly fraudulent this return was appears from the census itself, which returned 56,641 men, women and children as the entire colored population of that city, which, on the usual proportion of five persons to each voter, should have given 11,629 as the colored voters in that parish. Whereas, this census returned 24,300 as the number of adult males in that parish (Burke, 1001).

No such proportion as that pretended by this census ever existed in Louisiana or any other of the United States—not even in the remote Western states, where the collection of miners leads to a large excess of males beyond their normal proportion.

THE FRAUDULENT REGISTRATION.

Nevertheless, the registration for 1876 was made up by the registrars on that basis. The Conservatives pointed out and made proof of 9,800 cases of double or otherwise false registration in New Orleans alone. But no correction was made by Kellogg's officials in this respect. On the contrary, some five thousand whites were excluded improperly, and the Republicans went into the next canvass with an apparent but false registration of over twenty-two thousand more colored voters in the state than existed (Gauthreaux, 1052, 1058).

Kellogg had the appointment of the supervisors of registration and of their clerks and other election officers. The law required that the supervisors should reside in the parishes for which they were appointed. But this law was disregarded, and absolute strangers to the parish, without character or responsibility—mere political creatures, like Anderson—were appointed as supervisors of some of the most important parishes. Some twenty of the supervisors of registration held positions in the custom-house, post-office or police force of New Orleans; several of them were under indictment or fugitives from justice. In some cases the commissions of the registrars and their clerks were issued in blank, and given to the Republican candidate of the district to fill in his own appointees.

From the nature of the office men of the best character should have been selected to perform its duties, but the effort seems instead to have been to select the most pliant and despicable political tools for the place. None but such men could have been expected to carry out the instructions they received, which, in effect, promised recognition and preferment as the reward of successful fraud.

ORGANIZED REPUBLICAN FRAUD.

These instructions were issued to all the supervisors directly by the Republican party. We give a copy of one of them. The italics are ours (Edgeworth, 1074–5):

HEADQUARTERS REPUBLICAN PARTY OF LOUISIANA,
ROOMS JOINT COMMITTEE ON CANVASSING AND REGISTRATION,
Mechanics' Institute, New Orleans, September 25, 1876.

To Supervisor of Registration, Parish of Plaquemines;

DEAR SIR: It is well known to this committee, *from examination of the census of* 1875, that the Republican vote in your parish is 3,000, and the Republican majority is 2200.

You are expected to register and vote the full strength of the Republican party in your parish.

Your recognition by the next state administration will depend upon your doing your full duty in the premises, and you will not be held to have done your full duty unless the Republican registration in your parish reaches 3,000, and the Republican vote is at least 3,000.

All local candidates and committees are directed to aid you to the utmost in obtaining this result, and every facility is and will be afforded you; *but you must obtain the results called for herein without fail.*

Once obtained, your recognition will be ample and generous.

Very respectfully, your obedient servant,
D. J. M. A. JEWETT, Secretary.

By "the Republican vote" shown by "the census" was meant the colored vote, and the direction by these party leaders to sworn officials "to register and to vote a majority according to the census," and to return a Republican vote equal to the number of colored adults in the parish, when it was well known a large portion of that race had already abandoned the party, has, so far as we are aware, not been equaled in infamy in any state in the Union.

THE RESULT OF THE ELECTION.

But so it was that, notwithstanding all these preparations and frauds, the number of votes actually cast at the election of 1876 was 160,964, being the largest vote ever cast in the state, and exceeding by 16,071 the number of votes cast at any previous election; and exceeding in proportion to the population the entire vote of the Union. And the returns, as made and forwarded by the Republican election officers to the returning board, disclosed a majority of 6405 for the Tilden electors, and were unaccompanied by a single protest, except one against Republican fraud in Concordia parish (Burke, 1003).

USURPATION BY THE RETURNING BOARD.

The returning board had, therefore, no lawful power except to canvass, compile, and promulgate the votes returned to it. Bad as was the law authorizing the returning board, it had not contemplated their control over any return in a case where no protest accompanied it.

They had attempted this in 1874, and their action had been declared by a committee of this House, composed of Messrs. Hoar, Wheeler, and Frye, to be unlawful. "Upon this statute we are all clearly of opinion," said these gentlemen, "that the returning board had no right to do anything except to canvass and compile the returns which were lawfully made to them by the local officers, except in cases where they were accompanied by the certificate of the supervisor or commissioner provided in the third section. In such cases the last sentence of that section shows that it was expected that they would ordinarily exercise the grave and delicate duty of investigating charges of riot, tumult, bribery or corruption on a hearing of the parties interested in the office. It never could have been meant that this board, of its own motion, sitting in New Orleans, at a distance from the place of voting, and without notice, could decide the right of persons claiming to be elected" (43d Cong., 2d sess., Rep. 261, minority).

But it was a necessity of the political situation that Louisiana should be carried for the Republicans. Had the vote of this state not been necessary to elect a Republican President, the power that was assumed to count it for Hayes would not have been usurped. But it was known that the men composing the board were capable of anything that was to their interest, and that when a plan was devised by which they could usurp power successfully they would use it.

ITS PARTISAN COMPOSITION.

It was, therefore, from the first, given out among the politicians that the returns were of no consequence, and that the returning board would count the state for Hayes. Accordingly, when the board assembled, they began by refusing to fill the vacancy in their number by a Democrat, although the law provided that the board should consist of persons from all political parties, and sat throughout a partisan board, composed of Republicans only, a non-compliance with the law which had occurred for a short time in 1874 and was condemned by the committee of the Forty-third Congress (Tribune Pam. 12, Pitkin dispatch; Burke, 1005; Jewett, 1270; 43d Cong., 2d sess; Rep. 101).

In utter contempt of law and this opinion, the board refused all applications to put a Democrat into the board, and then proceeded to sit in judgment upon the returns (Palmer, 1084–6).

THE INTIMIDATION CHEAT.

A large portion of the people of the United States have come to believe that such intimidation existed in Louisiana as prevented a fair Republican vote, and that this afforded an equitable offset to any fraud by the returning board, and this belief is the basis upon which Republican rule stands. It has been reiterated by nearly every journal and assented to by every politician in the land who profited by that rule. There were circumstances that made it seem plausible; and these circumstances, together with the wish to believe it, have convinced a large part of the Republican party that it really existed.

This belief is based upon the assumption, to use the words of Mr. Sherman and the visiting statesmen, in their report to the President, "that if left free to vote, uninfluenced by violence or intimidation, the blacks would be almost unanimously Republican." But the assumption itself was entirely unwarranted by the facts (Ex. Doc., No. 2, 44th Congress).

NEGROES DISSATISFIED WITH REPUBLICANS.

Prior to 1876 the distress in the state had induced many negroes to leave the Republican party. This had been recognized by the committee of the Forty-third Congress, and was so patent that the Republican members of the legislature whom the returning board had counted in, were, upon the recommendation of the gentlemen of that committee, unseated, and their places given to Conservatives. The same dissatisfaction among the colored population continued. Nothing was more inevitable than the ignorant men, whose votes had been procured by the promise of farms, of mules, and of general prosperity, when they found that year after year, that they got neither farms nor mules, and that instead of general prosperity taxes grew heavier, and wages smaller, and the opportunities for employment less, should be dissatisfied even with the party they supposed had secured their freedom (43d Cong., 2d sess., Rep. 261; Wheeler Comp. Report).

Beyond that the negroes attached great importance to maintaining schools, and in the negro parishes the school moneys had gone into the hands of irresponsible and abandoned persons, and had been stolen outright, or squandered without good result. The negroes were, therefore, then in a condition more than ever favorable to the acceptance of overtures from the Democrats (Wickliffe, La., 548; Powell, La., 550; Leake, 555; Morrison Report).

AND PROPITIATED BY THE DEMOCRATS.

The Democrats accordingly made the most determined efforts to propitiate them. They employed many colored preachers and leaders, and had them stumping the negro parishes. They realized that to secure these parishes was to carry the state. They therefore adopted the most conciliatory action to that end. Governor Nicholls himself made a journey into these parishes to assure the negroes of the fullest protection and equality under the law. Indeed, as Mr. Sypher admits, the white Democrats, in their promises to the negroes of equality—in theatres, hotels, street-cars, and in other social relations—outstripped the Republicans (Powell, 550; Leake, 554; Burke, 1004; Roberts, 898; Sypher, 816).

In trouble, the negroes still looked to their old masters for aid. And when a planter got up a club of citizens of both colors, and presided at its meetings, with his former slaves on each side of him as vice-presidents, and appealed to the negroes to join the Democrats against the state and local abuse, on the ground of their own interest, it was not strange that they should do so; and so we find them crowding to Democratic meetings with their wives and children, and carrying banners in the Democratic processions, "'hallooing' louder than any white man" (Wickliffe, 548).

Where the leaders of the colored race go the masses generally and perhaps thoughtlessly follow. When, therefore, the Democrats had secured the leading negroes it was to be expected that, with the aid of barbecues and music, of promises and conciliation, the rest should be induced to follow them.

DEMOCRATS COULD GAIN NOTHING BY INTIMIDATION.

On the other hand, the Democrats had absolutely nothing to gain by intimidation, for the returning board had been established on purpose to annul votes so secured, and provide for votes so prevented. They knew by experience how reckless and desperate the board was. They knew, also, that this recklessness and desperation had been the subject of Congressional rebuke, so that they might hope for relief if they afforded no pretext for its arbitrary action.

It will be remembered that the board was composed of the same white members in 1876 as in 1874, and that the committee of the Forty-third Congress had reported, that in 1874, in the parish of Rapids, in which Wells, the president of the board, resided, there was really no disturbance nor any dispute about the result; and yet that upon a secret affidavit by Wells, as to occurrences in the parish upon the day of election, when he was not there at all, the board had thrown out the whole vote of the parish, and thereby seated four Republican members of the legislature, who had not claimed to be elected, and who were subsequently, upon the recommendation of the Congressional committee, unseated; and that the action of Wells had been denounced by that committee (43d Cong., 2d sess., Rep. 101).

The Democrats, therefore, well knew that it was intended by the returning board to count them out upon the slightest evidence of intimidation, and their effort throughout was to avoid not only any provocation, but any pretense for such a charge (Burke, 1004).

PRETEXTS FOR RETURNING BOARD USURPATION.

It was necessary that the returning board should have a pretext for assuming control of the votes cast in cases where the law had not given it; and this pretext was to be found, first, in protests by supervisors of registration made after the returns had been received, fraudulently pretending a condition of things which made it unsafe to make protests with their returns; second, some form of testimony to give color to the assertions in these protests.

The first step, then, necessary to secure a reversal of the popular will by the returning board, was to obtain from the supervisors a declaration that some unfairness had taken place in the parishes intended to be disputed. Without this the board would have had nothing to act upon; while the supervisors, uncommitted by any writing, might at any time have declared the real truth.

As it became known that the Presidential election would depend upon Louisiana, the pressure became greater, and supervisors who had witnessed and declared to a perfectly free, full and peaceable registration and election, were constrained by party persuasion and promises, to make false and fraudulent protests; and they were encouraged by like influences "to stand firm" to their protests after they had been made.

THE FALSE PROTESTS—ANDERSON-WEBER.

The two most important officials for this purpose were James E Anderson, the supervisor of East Feliciana, and Don A. Weber, the supervisor of West Feliciana.

Anderson was a stranger, an adventurer and a rascal. His education had been that of a sensational newspaper reporter; his position, when selected as supervisor, that of one of Kellogg's creatures in the Custom-house. He was a notorious liar and vagabond before appointed to be supervisor of a county as large as the state of Rhode Island, to which he was an utter stranger. Finding that the Republicans could not carry the parish, he got up a story that his life was in danger, procured himself be shot at, and fled. An examination disclosed the story to be a humbug and a fraud. The people of the parish then called upon Kellogg to provide them a new registrar. He promised that Anderson should be sent back, and publicly ordered him to go back, and furnished him with a little money to do so, but caused it to be privately suggested to him that no election was wanted in that parish, and that he was not to return. Indeed, he had him threatened with arrest if he did return. The Democrats, conscious they had secured a majority of the voters in the parish, and anxious to have an election, then hired Anderson to go back, and secretly ran him out of the reach of Kellogg's police (Anderson, 6-7; Wedge, La., 128; Lyons, La., 80-1; McVea, La., 85-9; Patton, La., 278-9; Burke, 1004).

Anderson arrived in the parish two days before the election, having been gone for ten days, and by his absence shut out from registration about five hundred Democratic votes (Patton, La., 279; Lyons, La., 81; McVea, La., 87).

The election having passed off without complaint he signed the returns of the election, only insisting upon being paid the amount to which he was by law entitled for his services as registrar, and declared, as did T. C. Jenks, who accompanied him, that everything in the parish had been perfectly free and fair in all respects (Wedge, La., 130; Jenks' aff., La., 89).

Weber was a native creole. He and his brother Emile had for years been the managing Republicans of the district. They and their families were the only white Republicans there. They worked in couples and controlled all the offices and exercised all the power there. Don Weber, when the election was over, openly declared that it had been in every respect fair and free, and furnished no ground for protest, and he signed the return without protest (Weber, 590-4; Powell, La., 551; Leake, La., 556).

THEIR CREDIBILITY.

As these two supervisors subsequently made protests, and as the contest in the state largely turned upon these two parishes, it was a necessity that their evidence should be taken, if it could be had; and Don Weber having died in the meantime, it became a necessity that his brother and partner in politics should be examined in his stead. Both Emile Weber and Anderson had sworn before previous committees; both had sworn to stories the reverse of what they testified to before us.

Under the circumstances the evidence of neither was entitled to any consideration, except such as resulted from its corroboration by crediable testimony and known facts and circumstances; and we have given it no other.

ANDERSON'S STORY.

The story which Anderson tells is, that there was a Republican conspiracy to prevent Republican votes being cast in the Felicianas, and thereby to afford a pretext for rejecting the vote of those parishes, in which there was a large *bona fide* Democratic majority; and that the registration and election in both parishes had been perfectly fair and free; that, upon arriving at New Orleans, he was urged to protest his parish; that he resisted on the ground that there was no foundation for such a protest; that, under pressure, he prepared a paper, which Judge Campbell, the counsel for the Republican party directing such matters, declared to be worthless; that thereupon, at the request of Pitkin, the United States marshal, Campbell prepared an effective protest for him to sign; that Campbell was subsequently sent for to come and take the verification of this protest; that he then refused to verify it, but that he then signed it and left it with Pitkin, with the important parts of it not filled up; that he subsequently called on Pitkin to reclaim it, who refused to give it to him; that thereupon he began making complaint, and the Republican leaders used their influence to keep him quiet; and, finally, that he went with Weber, who had also made a false protest, to Moreau's restaurant, where they met Sherman; and that they received from him satisfactory assurances of reward for letting their protests stand, which assurances they determined the following day to have in writing, and thereupon sent Mr. Sherman a letter to that effect, to which he returned a satisfactory reply (Anderson, 27; Anderson, 2-12).

ITS CORROBORATION.

As matter of fact, it certainly appears—

That Anderson left East Feliciana without pretending that any ground for protest against the election existed, and that none did exist; that he arrived at New Orleans and again declared that he had no ground for protest; that, upon Pitkin's request, he prepared a statement which, both Pitkin and Campbell tell us, was rejected as worthless; that Campbell then prepared, as they both tell us, a protest proper in substance and form, and sent it to Anderson; that Campbell did then call at Pitkin's office, having been sent for to take Anderson's verification, and found Anderson in high discussion, declaring that the matters stated in that protest were not true, and that he could not attest it; and that Campbell then, without taking his affidavit to it, withdrew; that Anderson, having signed it, subsequently left it with Pitkin, and the next day tried to reclaim it; that Pitkin, having forwarded it to Packard, instead of procuring its return, saw fit to take offense at Anderson's manner, and turn him out of his office; that shortly after Pitkin told Campbell of Anderson's attempt to get back his protest, and that he wanted assurances of reward for letting it stand (Wedge, La., 140; Burke, 1007; Jewett, 1300; Pitkin, 401; Campbell, 434–6; Pitkin, 402; Campbell, 444–5).

That Weber left home declaring there were no grounds for any protest, and that the election had been fair and free; that after getting to New Orleans he was induced to make a protest; that the protest, as he made it, was wholly insufficient, and was subsequently forged by alterations and additions; that he stated he had been induced to make it by promises of reward from Republican leaders; that both he and Anderson did go together to Moreau's, and there met Sherman; and that within a few days after Anderson showed a sealed letter, which he said contained what would take care of him; and that Weber showed his friends a letter, which, in reply to a request by him and Anderson for written assurances of reward for letting their protest stand, gave such assurances in the name of Mr. Sherman; and that the conspiracy to falsely protest and count out the parishes of East and West Feliciana is substantiated by credible witnesses and undisputed facts and circumstances wholly independent of the evidence of either Anderson or Weber's brother Emile (Powell, La., 551; Leake, La., 555–6; Reynolds, La., 292; Duncan, La., 316; Wickliffe, La., 548–9; Kennard, La., 593; Weber, 590; Sherman, 765; Anderson, 12; Sypher, 753; Burke, 1007; Gauthreaux, 1060).

PROTESTS SECURED AGAINST OTHER PARISHES.

Other supervisors who had witnessed and certified to free, full and fair elections in their parishes, were prevailed upon to make these supplemental charges against the election. One of these—Kelley, of Richland parish—has told us how great was the pressure and desperate the means employed to procure them. Under these protests votes were rejected upon various pretexts; but the negro parishes—the Felicianas, Ouachita, Baton Rouge and Morehouse—were those in which the Democrats had made the greatest gains, and from which, therefore, the most Democratic votes were rejected (Jewett, 1424–1427; Kelley, La., 171–181).

EX PARTE AFFIDAVITS.

The returning board having thus secured the necessary false and fraudulent protests, proceeded upon the examination and *ex parte* affidavits which they permitted to be brought in, to hear allegations in respect of those parishes where it was important to exclude the vote in order to reverse the will of the people and count the state for Hayes (Ret. B'd., pro. Gauthreux, 1059; Burke, 1005–6; Morey, 826–8).

Ex parte statements of apprehension from intimidation can always be procured in every community. These are daily occurrences—some personal quarrel, some drunken brawl in the street, some row in a bar-room, some social party blustering in their cups, some fellow swaggering or joking in the country store—which furnish color for pretending to be alarmed. The most trifling assault, the commonest personal difficulty, the smallest act of violence, no matter what their origin, nor how absolutely disconnected with politics, can thus be made to appear as the result of political action. Besides, nothing is easier than to get up disturbances, to promote rows, and to procure white men to purposely threaten negroes; nothing easier than to pervert the effort of the people to protect their own property and defend themselves against marauders into organized movements for party intimidation.

Once have it settled that the election of a President, with all the enormous patronage and power connected with that office, depend upon *ex parte* affidavits of this kind, and they will be forthcoming in any community.

REPUBLICAN ADVANTAGES.

In this contest the administration party had every advantage; they had the control of a class of ignorant and reckless negroes; they had numbers of deputy marshals to send into the parishes for the witnesses; they had the local machinery there with which to collect them; they had the funds with which to bring them personally to New Orleans; they had the visiting statesmen to fortify them with their assurances; and they had, besides, the advantage of making the first statement.

Of course, it was very difficult to meet these charges as they were produced. A man can tell more lies in an hour than can be disproved in a day. The Democrats were compelled to send to the parishes to ascertain what were the charges referred to, and to find persons acquainted with the facts to furnish the proofs to contradict these charges. In many cases the affidavits were produced before the returning board at so late a day that it was almost impossible to show in due time the groundlessness of the charges (Burke, 1095–6).

By great diligence the Democrats did succeed in fully answering them. That they should have been able to so completely and so quickly meet the false charges against the conduct of the election, can only be explained on the theory that there did prevail throughout the state a free, full, fair and peaceable election, and that all pretenses to the contrary were unfounded (McDonald, Rep).

THE FELICIANA CONSPIRACY.

As the purpose of the Democrats was to propitiate the negro vote, their attention was especially directed to the parishes which had the greatest excess of negro population, and it turned out after the election that their efforts had been successful. In the five principal negro parishes, instead of the Republicans having a majority of 3979, as had been the case in 1874. the Democrats had a majority of 3504. That this was likely to be the result had become apparent before the election, and the importance of excluding the votes of these parishes thus became evident. This was especially the case with East Feliciana, where the efforts at propitiating the Republican colored vote had been most successful. Kellogg hoped to secure this result there by having no election held at all. That would have enabled the Republicans to claim that East Feliciana was a Republican parish and would have given a Republican majority, and that the ruffianly Democrats had, by driving away the virtuous Anderson, prevented that result. This scheme was actually carried out in Grant parish, where the board excluded the returns from the whole parish made by the other election officers (539 Democratic votes), because the supervisor absented himself during the election. In East Feliciana it was only defeated by the determination of the Democrats to have an election, and by their hiring Anderson to go back (Anderson, 6–7, La., 80–17, 85–9, 128, 278–9; Burke, 1004).

This was reported to Kellogg and required a change of programme (Anderson letter, 27).

Accordingly, it was suggested by some scoundrel — Anderson claims the credit of it — that since they were in such a great minority the Republicans should withhold their votes entirely, and then claim the absence of Republican votes as evidence that Republicans had not been permitted to vote, and as thus proving the extent of the intimidation.

Thereupon, the leaders of the party gave out privately that no Republicans need vote; that "there was no use going to the polls at all," and "not to come out to the polls;" that "it was all a farce to vote;" "the programme was to have no ticket, so as to have the parish thrown out," and the like. This direction was disseminated everywhere throughout the parish, and men were on hand on election day to give the necessary cue to the Republican negroes, who are exceedingly adroit at appreciating such suggestions. No Republican tickets were printed or distributed, and Republicans stood around the pools resisting the solicitation of the Democrats to vote Republican tickets, which the Democrats wrote out for and offered them (Patton, La., 1280; McWilliams, La., 139; Harrison, La., 146; Wedge, La., 129; DeGray, La., 129; DeLee, La., 141; Lanier, La., 143).

This is beyond peradventure. It has been testified to by many citizens of the most respectable character — colored and white — and no one of the persons charged with the thing has come forward to deny it. It was understood that in pursuance of the direction from "below" (New Orleans), no Republican should cast his vote, and it was intended by thus witholding votes that the claim of intimidation should be set up and the parish excluded. This plan was carried out in East Feliciana perfectly.

When the election was over neither the United States supervisors of the election nor the military officers in charge of the troops there, nor any human being of all the Republican officials in those two parishes, made any pretense whatever that the election had not been perfectly fair and free. The telegrams and reports to the Republican official organs in New Orleans announced the same fact day after day. Anderson, the supervisor of East Feliciana, and Weber, the supervisor of West Feliciana, left their parishes declaring the freedom and fairness of the election, and that there was not the slighest ground for protest; and neither of them accompanied the returns they forwarded with any protest whatever (Tel., 698; Wedge, La., 130; Jenks' Aff., La., 90; Leaks, La., 555; Powell, La., 550; Kennard, La., 593).

THIS CONSPIRACY CONFIRMED.

The conspiracy thus testified to and uncontradicted is confirmed by every known fact and circumstance.

By the census of 1870 there were in East Feliciana 2810 adult males, of whom 1986 were colored and 834 white. In 1874 the total vote cast was 2525, of which 1688 were Republican and 847 Democratic, showing that a portion of the colored people then voted with the whites. In 1876 the vote was 1746 registered, and about 472 unregistered; total, 2218 Democratic and none Republican (Tel., 698).

By the census of 1870 West Feliciana contained 2210 male citizens, of which 1876 were colored and 344 white. In 1874 the whole number of votes were 1859, of which 1358 were Republican and 501 Democratic, showing that some 200 of the colored voters voted the Democratic ticket. In 1876 West Feliciana gave 1248 Democratic and 778 Republican votes, being a total of 2026 votes.

So that the votes cast in West Feliciana in 1876 actually exceeded those of preceding years, while in East Feliciana the Democratic votes alone were nearly up to the whole vote of both parties in 1874, and had not the Republican vote been purposely withheld, the aggregate vote in that parish would also have exceeeded that of any previous year.

These facts of themselves show that the Democrats had a clear majority in both parishes, and that it was their certain interest to do nothing which would afford color for excluding the vote there. They are so inconsistent with the pretended terrorism among the colored people as to be destructive of any theory of a state of intimidation in those parishes at that election.

Indeed, the total absence of any Republican vote in this great parish itself indicated by its very completeness of purpose to withhold such votes, not the fear of casting them.

ALLEGED INTIMIDATION IMPOSSIBLE.

The history of the state has shown that in so vast a territory, garrisoned by Federal troops, with a large body of Republican officials, and the black population in a great majority, such a state of terrorism as to prevent the casting of one Republican vote, even those of the Republican officials themselves, was an impossibility. There never has been another instance in the state of a parish in which no Republican votes were cast. And yet, so far from East Feliciana being one of the disturbed parishes, this was the first time it had been claimed there had not been a free and fair election there. Nor was it even then claimed that the election had not been entirely peaceable, but only that because of certain former disturbances, what Mr. Parker called "a state of intimidation" prevailed. But these disturbances had taken place several months before, and were connected with a movement under Powers, a prominent Republican, to suppress cotton-seed thefts, and were not political; and experience has shown such disturbances do not materially effect the party vote; still less argue a state of things which would not permit the depositing of even a single one of such votes (Parker, 733).

AGAINST THE INTEREST OF DEMOCRATS.

It is true that the hostility of the Democrats to Kellogg's and Packard's rule was great. The state has been oppressed and demoralized by that rule for years. So much had the people suffered from it that they would have preferred military rule to its continuance (Palmer, 1090).

But their conduct must be judged by the motives which usually govern men under such circumstances. They knew the whites were united against Kellogg. They knew also that every year the accession from the colored people had been increasing, and they justly expected to be joined by enough of them to overcome all the frauds of registration and of election officers, provided, but provided always, they did nothing to repel the colored voters, nor to afford the returning board a pretense for rejecting Democratic polls. That after having persuaded two-thirds of the negroes in the parish to join them they should then have established such a reign of terror as prevented every single Republican, white and black, from voting is to assume the existence of conduct as impossible as it would have been insane.

AND UNSUPPORTED AND DISPROVED.

If 500 square miles of territory were in a state of such terrorism the fact must needs have been as patent as if it had snowed upon election day, and yet of all the persons in that parish, the returning board only collected twenty-two to state any instance of intimidation connected with the election of 1876. Of these, the foremost witnesses were James E. Anderson and Thomas C. Jenks; both subsequently retracted under oath all they then said and confessed the conspiracy which existed; and no one would receive the evidence of either unsupported. This testimony was overwhelmingly contradicted and negatived at the time; 1196 witnesses appeared to contradict the allegations of these affidavits, and to establish that the election in East Feliciana had been perfectly peaceable, free and fair (44th Cong., Ex. Doc. 2, 17, 20; Anderson, 8; Jenks, La., 90).

It is so easy to suppress truth, to distort facts, and to mislead witnesses, especially when ignorant, or stupid, or reckless, that *ex parte* testimony is rarely entitled to much weight. It was a common thing for these East Feliciana affidavits to state as ground for excluding the parish, that no Republican tickets were permitted at the polls. That was true, but it was the Republicans who would not permit them. And, coming as these returning board affidavits did, from Republican camp followers and negroes, they were of hardly any value at all; and, in view of the controlling facts and probabilities and circumstances of the case, never deserved consideration.

RETURNING BOARD AFFIDAVITS.

In Louisiana the crowd of ignorant and thoughtless negroes summoned from their labor by United States marshals and brought for the first time in their lives to a great city, were marched through the crowded streets past cordons of police and platoons of troops into the great government building, where they were brought face to face with an army of clerks and stenographers and officials, and all the machinery of a great state. Ushered at last into some inner room, and there engaged in a conversation, in which they supplied some of the answers, and the persons standing around supplied more, they might, when dismissed, well be expected, even if they had conscientious scruples about the business, to make their marks where told. Those who deal with persons who do not read and write, know how readily they affix their marks to receipts or any papers connected with business when told to do so, because those by whom they are told know so much better than they do what is to be done. It is curious and instructive to hear the accounts of the negroes who made affidavits for the returning board of the process by which their evidence was manufactured (Nolan. La., 581-6; Norphliss, La., 495; Green, La., 512; Amy Mitchell, La., 474, 480; Thornton, La., 527; Lagadie, La., 530-2; Armistead, La., 298; Duncan, La., 308, 311, 315).

They were brought down from the country and placed before a clerk, when the general process would be something like this: They would be asked if they knew of certain disturbances in their parishes; if they answered they did not, some one of the bystanders would say, Why, he was the man who was killed behind the corn crib at such a plantation by such a person; then the negro witness would answer, yes, I heard of him, but never heard about that; then another one of the bystanders would give the details, and presently, when the affidavit is finished, we have the witness' story, stated partly upon his own knowledge and partly upon information and belief, of a first-class outrage of which he knew nothing, and of which he perhaps never had heard before, and to this he makes his mark, is sworn, and receives his fees, and returns to the field from which he was brought.

Of the witnesses in Feliciana whom Mr. Sherman desired to have called fifteen have appeared before us; of these, thirteen have retracted their testimony to violence as given to the returning board. The statements of the other two witnesses, Dula and Swayze, were made under suspicious circumstances, even if they had not been in conflict with all the known and established facts.

WORTHLESSNESS OF THIS TESTIMONY.

It was claimed by Dula that Weber, after he had testified before this committee, desired to be supported in his statements by the negroes of his vicinage, whose leader he had been, and to that end was engaged in persuading and bribing them to take back their testimony before the returning board.

Dula's statement was that he had been paid fifty dollars and was to be paid more for testifying as Weber desired. He was a man of notoriously bad character; and the fact that Kellogg's agent, Kennedy, had just before gone down to New Orleans to arrange with Dula and Swayze, and the manner in which his testimony was given, satisfies us his story was an imposition which had been put up to deceive the committee (Kennedy, 1117, 1118).

But even if it were true that the Feliciana negroes were so utterly reckless as to what they testified, and followed the Webers for favor or for pay upon whichever side they swore, it only establishes how utterly worthless their testimony originally was, and upon what a wretched and deceptive foundation all this pretense of intimidation was based.

OBJECT OF THE INTIMIDATION PRETENSE.

And yet it was this trick in East Feliciana which virtually settled the Presidential contest. It was not that the people had confidence in the Louisiana returning board, nor that they doubted the proved rascality of Wells and Anderson, but it was because—ignorant of the full vote which had been cast in the state; of the efforts that had been made to propitiate the negroes; and of the frauds to which the Kellogg government was competent; and supposing that the color-line still strictly divided parties—they accepted the fact that not a single Republican vote was cast in East Feliciana as conclusive evidence of a terrorism which constituted an equitable offset to all the frauds of canvassing and returning boards, and justified the seating of Mr. Hayes.

As in East Feliciana, so in the other negro parishes the same claim of intimidation was made, supported by the same class of witnesses, and in the same *ex parte* and dangerous way; and though fully disproved and in direct conflict with the fairness of the vote, and with all the known facts and circumstances, the claim of intimidation was nevertheless allowed, and so much of the vote of these parishes as was necessary rejected. And the board so managed it as to reject 1010 votes in West Feliciana; 1736 in East Baton Rouge; 1517 in Ouachita—in all 5706 votes; while rejecting but 259 Republican votes; add yet 49 witnesses to intimidation in West Feliciana were contradicted by 527 witnesses; 51 in Ouachita by 727 witnesses; and 63 in East Baton Rouge by 457 witnesses; and 26 in East Feliciana by 1196 witnesses (p. 1468; see evidence reported in Sherman & McDonald's Report).

The same deception is, as we believe, now being assiduously kept up to control the next election. The administration foments disturbances, then misrepresents them; then has its press to magnify them; and under the assumption that the blacks, if let alone, would all vote the Republican ticket, is preparing, by like pretenses, to claim and control the next election.

OUTRAGEOUS INJUSTICE OF RETURNING BOARD.

Throughout, the action of the board was partisan, arbitary, and flagrantly unjust. For illustration: In Orleans one return showed 297 or 299 Democratic votes; because the last figure was so made that it could not certainly be said whether it was meant for a 7 or 9 they rejected the whole poll (Ret. B'd Pro. 63).

In Vernon they changed the returns by adding to them 176 Republican votes and subtracting from the Democrats 178 votes (Danford, 750; Ret. B'd Pro. 113).

In Iberia, where the Republican election officers omitted to write "voted" upon the registration certificate of the first hundred voters, they rejected the whole poll—322 Democratic and 11 Republican votes—although there was no pretense the vote was wrong (Ex. Doc. 2, 73–74; Burke's Stat., 14; Ex. Doc. 2, 88).

In Concordia and Nachitoches they counted 1854 votes not appearing on the returns, and which by the rule applied to Democratic parishes, should not have been counted (Burke's St., 29; Burke, 1003).

In De Soto they accepted protests and returns which had evidently been inserted in the packages after they were mailed (Ret. Bd. Pro., 54; Gauthreaux, 1059; Jewitt, 1442).

THEIR GENERAL MISCONDUCT.

And generally they were guilty of every arbitrary, unjust, and outrageous act practicable (Burke, 1005–6; Trumbull, 855, 867).

After sitting for twelve days they succeeded in excluding enough of the votes returned to give the state to the Hayes electors and to Packard as governor. In the progress of their session it turned out that, by reason of an error in printing, two of the electors on the Hayes ticket had run some fifteen hundred votes behind the rest of the electors, so that it became a necessity that fifteen hundred more votes should be excluded, in order to count in those two electors, than would otherwise have been necessary. But the board was equal to the occasion, and secured the desired result. (Palmer, 1087–8; Gauthreaux, 1057, 1059; Morey, 826–8; Jewitt, 1452).

The returning board closed their sessions at two o'clock on Saturday afternoon, December 2d, having before them over forty-five hundred pages of manuscript testimony, which at the rapid rate of a page a minute, and taking ten hours a day, would have required two weeks to read; and on December 5th their decision was announced. But before they met Pitkin telegraphed: "Louisiana is safe; our Northern friends stand firmly by us; the returning board will hold its own." Indeed, their decision was never in doubt. It is true that Wells appears to have been for sale, but his price and its payment seems to have been the only doubt attending the result; and for corrupt influence money competes poorly with office, the latter being the much more safe, successful, and respectable form of bribery (Gauthreaux's calculation, 1064; Wharton, 1230; Maddox, 1212).

THE CHECK ON RETURNING BOARD INIQUITY.

The power to control the result of the election in Louisiana rested with the returning board which assumed discretionary revisory power over the returns.

For the ordinary abuse of discretionary power there is no remedy. But those who are intrusted with discretion are prevented from very flagrant and violent abuse of it by the influence and the indignation of the people whom they outrage.

For illustration, take the case of a Presidential elector. By law he is intrusted with absolute discretion over his vote, and it was intended that he should cast it exactly for whom he saw fit. But, under our system, he has come impliedly and most positively pledged to cast his vote for the candidate of the party by which he is elected. At the late election if an elector clearly chosen for Hayes were to have cast his vote for Tilden, he would have brought upon himself an outburst of public indignation such as no man could withstand. This was exactlythe situation of the returning board. Assuming that they had the large discretion which the Republicans claimed for them, the Democrats would have been powerless against ordinary abuses; but there were stretches of power so flagrant and outrageous that no man would have dared to commit them without some potent external support.

THIS CHECK REMOVED.

It was at this point, and to supply this need, that the influence of the Federal administration came in. For the first time in the history of the country the President requested leading members of his party personally to attend the counting of votes in states upon which the Presidential election depended. They went there, charged with a semi-official character. They had rights, as Mr. Parker thinks, no other visitors possessed. They were there (as Mr. Brady, the assistant postmaster-general, testifies) "to represent the President, and to say to the witnesses that the Republican party and the authorities at Washington would stand by them. In short, to furnish those who did the swearing and the counting with the necessary support—physical, political, and moral—

to "enable them to make a fair count;" which, considering the Democrats had a majority of the votes to be counted, was in effect the support necessary to enable the canvassers, under the pretext of a fair count, to count in the Republicans and to count out those really elected (Parker, 741).

No one at all familiar with Louisiana will believe that even the desperate and abandoned men who control the returning board would have ventured to so outrage the community in which they lived as to count the state for the Republicans but for the presence and encouragement of these visitors. That "moral support," as the visitors called it, "and the tone which they gave to the proceedings," and the protection which Federal bayonets afforded, were the real cause of the returning board's action. Indeed, Packard had received 2366 more votes in the state than the Hayes' electors, and yet the moment it was announced that the Federal government was about to withdraw its troops, the government he had established faded like the mist, and the control of the state passed without a struggle into the hands of the Democrats.

So that in Louisiana, as in Florida, we have this anomaly : The wish of the voters was recognized by the state and disregarded by the Federal government. The same ballots by which Democratic governors were elected were used to count out a Democratic and count in a Republican President.

THE VISITING STATESMEN.

The visiting statesmen arrived in New Orleans about the 15th of November and remained until December 2d, when the returning board went into secret session.

They declined the proposition of the Democrats for a canvass of the votes cast and returned. A committee of them attended the sittings of the returning board daily, and by their favor and countenance assured its members of the support of the administration and of the Republican party in their action (44th Cong., 2d sess., Ex. Doc. No. 2, 31–3).

It does not seem to have been thought wise to inform these visitors, except generally, of what was taking place. Mr. Morey, one of the leading counsel for the Republicans, has testified that the local Republican managers early satisfied the visiters that they were competent to attend to the interest of the party in Louisiana themselves, and that thereafter they did not think it necessary to consult the visitors about details. Undoubtedly many of these gentlemen were shrewdly left in ignorance of what was going on (Morey, 851).

Gentlemen from the North, unacquainted with Louisiana, and, like Mr. Parker, stopping at the hotel where they heard only the assertions of the local Republican politicians and the *ex parte* affidavits manufactured for the returning board, might possibly have misunderstood the real situation. But those who mingled at all with the people could hardly have escaped better knowledge. For instance, Mr. Sherman has insisted that Don Weber was a hero, killed for doing his duty in West Feliciana; but General Sheldon admits Weber was known to be for sale, and it reached even General Garfield's ears that Weber was not to be trusted. Those who read Emile Weber's letter, written upon his brother's death—now confessed by him to be wholly false—may realize the hollowness of the pretense to fire the Northern heart, which contact with the negroes themselves did not always dispel (Parker, 732–3; Sherman, 755; Sheldon, 1285; Garfield, 798; Weber, 596–9).

For instance, General Garfield saw the negroes from West Feliciana himself. In an upper room in the great government building in New Orleans, guarded by police and attendants, these West Feliciana negroes who followed the Webers were brought down and ushered into the general's imposing presence. That they should then have adhered to the affidavits which had just been made for them is not surprising. As Amy Mitchell testifies: "What they told me to say I just said it, but I did not know it. I didn't say because I knew it, but I said because they told me ; because I was scared." But of the whole number he saw, including this woman, who impressed him most, all that have been brought before the committee have, without hesitation, recanted what they told me (Garfield, 799, 801; Amy Mitchell, La., 474).

Others of the visiting statesmen were even more active in their participation in the action of the local officials. The country is indebted to Gen. Harry White, of Pennsylvania, for the suggestion which brought Mrs. Eliza Pinkston from the interior and exploited her with her wounds exposed on a sofa before the returning board. But it was indeed rarely that the visitors could suggest anything to supplement the resources of the local managers (Morey, 818, 822).

THE LOCAL LEADERS

The Republican party in Louisiana contained very few white persons—just enough to hold the offices, with their families and connections. The experience of the Congressional committee of 1875, who could not find five white persons who were not opposed to the Kellogg government, outside of office-holders, or those connected with them or with the government in some way, shows the substantial condition of things there. These white officials received very large salaries. Louisiana had always been a state that paid its public officers extravagantly. They were fully aware that the election turned on Louisiana, and that without its vote they would all go out of power. They clung, therefore, desperately to the chance which the discretion of the returning board afforded, and were naturally ready to do anything that men under such circumstances could do to give it color for its action; and they were very able, as well as very unscrupulous and desperate.

NECESSITY OF ADMINISTRATION SUPPORT.

But, desperate and unscrupulous as were Kellogg and Packard and their followers, they would never have succeeded in carrying through their scheme for counting out the majority, and counting in the minority, without the help of the national administration and of the Republican party; to effect that result the support of both was a necessity.

When later, after Hayes was declared elected, it was announced that the troops would be withdrawn, the whole Republican edifice in the state fell down in a night; and the returning board, unless they had been intrenched with troops and supported by the administration and the visiting statesmen, would never have dared to count some six thousand Tilden majority into a majority of three thousand for Hayes.

THE SEATING OF HAYES.

The alleged arrangement by which opposition in the House of Representatives to counting in Mr. Hayes was placated by assurances that the people of South Carolina and Louisiana should be allowed to recover the right to direct their own affairs, forms an instructive chapter in the events of the Presidential election which we will not discuss (Burke, 601–31, 976–8; Morey, 841; Roberts, 880).

Of course, either Packard, with twenty-three hundred more votes than Hayes, was elected, or Hayes was not; and the action of Hayes and his friends, both by their negotiations to secure him title and by their abandonment of Packard's title, manifest their convictions that neither Hayes nor Packard had been elected.

MR. SHERMAN'S OFFER OF TESTIMONY.

In June last an application was made to us by Mr. Sherman to take the testimony of some ninety witnesses in East and West Feliciana who had previously testified before the returning board or Senate committee of the Forty-fourth Congress to murders, whippings and violence, and whose testimony had there been contradicted. It is not clear that such evidence could have any bearing upon the action of the returning board or the conspiracy in these parishes to prevent votes being cast. To call witnesses to a matter as to which they did not testify before that board could in no way establish the good faith of the board in dealing with the evidence they had before them (p. 1905).

Nevertheless, we consented to receive this testimony, partly because we desired to give Mr. Sherman the benefit of any doubt as to its propriety, and partly because of the difference between the laws of Louisiana and those of the other states in respect of the canvass of votes (p. 1102).

In Florida the law made no provision for going behind the ballots to ascertain the wishes of the people. There the election was to be determined by the votes cast, not by those the people wanted to, but did not cast. While in Florida, therefore, it seemed to us improper to go into the question of the intention of voters, we thought that in view of the provisions of the law of Louisiana for considering the intention of the voters, there might be some ground for such an inquiry there.

THE TESTIMONY NOT PRODUCED.

Accordingly, on the 20th of July we notified Mr. Sherman's counsel that we would receive the testimony proposed. He replied that owing to the lateness of the season it had been decided to adopt a line of investigation omitting intimidation. The sub-committee left New Orleans on the 25th of July, and shortly after the yellow fever became epidemic. In December Mr. Sherman's counsel claimed that it was the presence of the yellow fever which had prevented their taking this testimony in the previous summer (p. 1102, Sub-Com. Rep. 1468).

It will be seen by his answer at the time that that was not the ground then taken for refusing to produce it; nor was there any reason why, even if the yellow fever was then expected, that the committee could not have withdrawn to the parishes and there safely have taken the testimony; and the claim that Mr. Sherman had been prevented from introducing this testimony seemed to the committee unfounded. Nevertheless, we again consented to take the testimony. Objection was then made that the witnesses could not safely be brought to New Orleans, and we then consented to go to the parishes to take it. This opportunity to take the testimony was also declined, on the ground that the witnesses could not safely testify at all under the condition of things growing out of the last election in Louisiana (p 1102; Sub-Com. Rep. 1468; Ray, 1470).

Inasmuch as they were being called at the time to testify before the Senate committee, then in Louisiana, where they would be as much exposed by testifying as before the House committee, and as this committee had already called a considerable number of the very witnesses desired by Mr. Sherman, and as at the last election there was no Republican ticket and the witnesses only had choice between different Democratic candidates, it is difficult to see what ground there was for this assertion, which appeared to us to be part of the pretense which proposed to call witnesses who were really not desired.

THE SHERMAN LETTER.

Mr. Sherman was the chief of the visiting statesmen in Louisiana. The election in that state turned mainly upon the parishes of East and West Feliciana (Sherman, 763).

The supervisors of those parishes called upon him one evening at Moreau's restaurant, as he recollects "indistinctly." They had a conversation with him and left. A letter has been referred to as having been afterwards written by him to them. Mr. Sherman has testified: "I do not believe I ever wrote that letter. At the same time there are things in this letter that I would have written to these or any other men who were engaged in the performance of what I believed to be their duty, if I had been asked." If that was so, his position in regard of what occurred would seem to be defined by the letter, whether he wrote it or whether he did not (Sherman, 765; Sherman, 17).

Very considerable evidence has been taken as to the existence of this letter, and the press has been largely engaged in discussing it. It is entirely certain that a letter of the kind did exist, by whomsoever signed.

Weber left his parish declaring that the election had been fair; that there was no ground for protest, and returned stating that he had made a protest; that he was constrained to do it, and that he had received assurances of reward for doing so. This is established by gentlemen of character and credibility, and is not attempted to be disputed. Beyond that, at a time corresponding with the date of this letter, he called upon his friend, Mr. Sypher, long one of the Republican Congressmen from Louisiana, and showed him a letter, purporting to be signed by Mr. Sherman, of the character of the letter referred to, and which Mr. Sypher believed to be, as Weber represented it to be, an original letter from Mr. Sherman (Weber, 590–4; Powell, La., 551; Leake, La., 556; Sypher, 753).

General Sheldon tells us both Weber and Anderson were considered as for sale; and that Anderson was demanding promises of reward for permitting his protest to stand, we learn from such other Republican managers as Pitkin and Campbell. It is equally certain that Anderson thought that he had received the assurances he sought. He says that they wrote to Sherman a letter asking for written assurances of the fulfillment of the promises they had had, and gave it to Weber to take. It was a reply to this letter, by whomever signed, that Weber showed to Sypher; for this reply acknowledges the receipt of the letter that Anderson and Weber had written, and establishes of itself that there must have been a letter asking for assurances received by the person who prepared the reply which Weber showed Sypher. It is, therefore, certain that Weber and Anderson joined in a letter to Sherman demanding assurances for permitting his protest to stand, and that they received a reply to that letter purporting to be signed by Sherman (Sheldon, 1284; Weber, 593; Anderson, 11; Agnes Jenks, 324; Sypher, 753; Weber, 593).

Emile L. Weber says that he found this Sherman letter among his brother's papers and destroyed it. Mrs. Jenks says that Weber gave to her, to take to Sherman, his and Anderson's letter demanding written assurances; that Weber then told her that they had already received verbal assurances and wished written ones; that she thought that they ought not to demand this, but be satisfied with the word of a Republican of Sherman's standing; and that in her zeal for the Republican party she suppressed Weber and Anderson's letter, and herself caused a reply to be prepared and signed for Sherman by a local politician, whose name she declined to give, and took this, as Sherman's answer, back to Weber and Anderson, and this was the letter on which he and Anderson acted (Weber, 593; Agnes Jenks, 322, 344, 378).

It is certain, from Anderson's action as well as from Weber's, that they regarded this letter as an original signed by Sherman, and that when later Anderson found himself without any such reward as he thought he was entitled to, he at once set about pursuit of it, and his conduct shows that he really believed that it not only existed but was genuine.

REPUBLICAN BELIEF IN IT.

Certain circumstances indicate a belief upon the part of those concerned in it that it was genuine.

It was rumored among the leading Republicans in Louisiana that such a letter existed; that Weber had been killed to obtain it, and a story then set on foot that he had been killed by the Democrats. Kellogg and Packard, Darrell and Stanley Matthews, all acted upon the assumption that such a letter existed, and Mrs. Jenks sought it diligently. Senator Matthews was cited before the committee, but refused to appear. We cannot say that on the whole we respect him the less for his reticence.

It is evident from Mr. Sherman's first examination, that he apprehended that he might have written the letter and forgotten it, and the efforts that have been made to mislead the public and the committee about it have strengthened their conviction of this apprehension.

EFFORTS TO MISLEAD THE COMMITTEE.

On the 4th of September Mr. Sherman declared to the press that he believed the "roundsmen" of the committee were about to produce a forged letter as his and publish it with a view of affecting the October elections. As the committee had adjourned, not to meet until after the October elections; as they had no "roundsmen," nor had heard of such a letter, this naturally excited suspicion. Various letters purporting to be from persons who claimed to have formerly been in Mr. Sherman's employment, but who could not be traced, were then sent to the committee offering to produce his original letter. When no attention was paid to all this, Mrs. Jenks began, just before the October election, dropping in the streets of New Orleans a packet containing what was intended to pass for the original letter. This packet having been returned to her by those passing at the time, she finally succeeded in leaving it unnoticed in a carpet shop in New Orleans. In its make-up, and the papers inclosed, it had all the evidence of being her property, and of having been casually lost, and of containing the original Sherman letter that she had so much sought for (*Tribune*, Sept. 5, 1878, p. 1467; Bickford, 1300; p. 1127; Raymond, 1121; Lloyd, 1123; Raymond, 1118, 1125).

This was not a joke; the purpose was to have the committee produce this letter as if the original letter, and when they had committed themselves to it to have the forgery certainly exposed by having those who made it show when and where it had been forged, and thus lead to the impression that no genuine letter had ever existed (Maloney, 1126).

This forged paper was not the letter which Weber showed to Sypher. That letter was written upon two pages of note paper, this forged letter upon one page of letter paper. That was written in a bad hand, difficult to decipher, as is Mr. Sherman's writing; this was written in a plain and round hand, obviously not intended for his, but to which an imitation of his signature was attached. It was to serve as a decoy; and it is difficult to see why anyone should want to set on foot such a decoy who did not believe such an original letter did exist or had existed (Sypher, 755; Anderson, 13).

In view of her relations to the Treasury Department, in which her brother was appointed after she testified in Washington, and by which her husband has been employed since her testimony, it is submitted that this attempt to impose a letter upon the committee was not without purpose and for the benefit of those by whom she subsists, and with whom she sympathized, and whom she has, as she says, before attempted to serve (T. H. Jenks, 583; T. C. Anderson, 570; Shellabarger, 786; Hahn, 1130).

By whomsoever signed with Mr. Sherman's name, the letter which Weber received, he and Anderson, after the interview at Moreau's, accepted and acted upon as genuine, and the only importance that attaches to its genuineness is whether Mr. Sherman actually did give in writing the assurances which he says he might well have given, but was careful not to express.

CONNIVANCE AT RETURNING BOARD FRAUD.

How far the controlling visiting statesmen like Mr. Sherman really believed there was any justification for the rejection of Democratic votes by the returning board, men will never agree. We are apt to believe in the right of what we earnestly desire. Men who thought the welfare of the country depended upon the continuation in power of the Republican party, would naturally have been disposed to consider almost anything justified to retain it there. To us it seems impossible that the flagrant and atrocious conduct of the returning board was not realized above all by the men of most political experience, or that the most dangerous and outrageous political fraud of the age was not assisted and advised by those who next proceeded to take possession of its best fruits.

LIST OF PERSONS CONNECTED WITH THE CANVASS OR ELECTION OR NEGOTIATIONS IN LOUISIANA IN 1876, SUBSEQUENTLY APPOINTED TO, OR RETAINED, IN OFFICE:

CONNECTED WITH THE RETURNING BOARD.

Names.	*Employment* 1876.	*Office.*
J. Madison Wells	President Returning Board	Surveyor Port N. O.
Thos. C. Anderson	Member Returning Board	Deputy Col. Port N. O.
S. M. Kenner	“ “ “	Deputy Naval officer.
G. Cassanave	“ “ “	Brother of U. S. Storekeeper, N. O.
Chas. A. Vernon	Secretary Returning Board	Insp'r Custom House.
Chas. S. Abell	“ “ “	“ “ “
York A. Woodward	Clerk of Returning Board	Clerk Custom House.
W. H. Green	“ “ “	“ “ “
P. P. Blanchard	“ “ “	“ “ “
G. R. Davis	“ “ “	“ “ “
Charles Hill	“ “ “	“ “ “
Geo. Grindley	“ “ “	“ “ “
John Ray	Counsel of Returning Board	Spec. Agt. Treas. Dep.
A. C. Wells	Son of J. Madison Wells	Spec. Dep. Surv'r N. O.
T. A. Woolfley	Affidavit taker	U. S. Commissioner.
R. M. J. Kenner	Brother Returning Board Kenner	Clerk Naval Office.

STATE OFFICERS AND MANAGERS.

Michael Hahn	State Registrar	Superintendent Mint.
James P. McArdle	State Registrar's Clerk	Custom House.
W. P. Kellogg	Governor	U. S. Senate.
S. B. Packard	Candidate for Governor	Consul to Liverpool.
Geo. L. Smith	Candidate for Congress	Collector New Orleans.
James Lewis	Police Comm'r New Orleans	Naval Office.
Jack Wharton	Adjutant-General Louisiana	U. S. Marshal.
A. S. Badger	General of State Militia	Postmaster N. O.
D. J. M. A. Jewett	Secretary Republican Com	Insp'r Custom House.
H. J. Campbell	Chief of Affidavit Factory	U. S. Att'y, Wyoming.
H. Conquest Clarke	Kellogg's Secretary	Clerk Int. Rev.
N. F. Loan	Chief of Police	Clerk Internal Rev.
W. L. McMillan	“ “	Pension Agent, N. O.

ELECTORS.

William P. Kellogg	Elector at Large	U. S. Senator.
J. Henri Burch	“ “	State Senator.
Peter Joseph	“ “	Clerk Custom House.
Lionel A. Sheldon	“ “	Mr. Sherman's counsel.
Morris Marks	“ “	Collector Int. Rev.
A. B. Levisee	“ “	Spec. Agt. Treasury.
O. H. Brewster	“ “	Surveyor-General.

SUPERVISORS AND PERSONS CONNECTED WITH THE ELECTION.

James P. McArdle	State Registrar's Clerk	Custom House.
Michael Hahn	State Registrar	Supt. of Mint.
M. J. Grady	Supervisor at Ouachita	Dept. Col. Int. Rev.
John K. Dinkgrave	Manager at Ouachita.	Legislature.
H. C. Attwood	“ “	U. S. Marshal.
W. R. Hardy	District Attorney	Insp'r Custom House.
Henry Smith	Sheriff of East Feliciana	Custom House.
Samuel Chapman	“ “ “	“ “
James E. Anderson	Supervisor of East Feliciana	Consul Funchal
A. H. Ferguson	Supervisor at De Soto	Custom House.
M. H. Twitchell	Supervisor Claiborne	Consul Kingston.
J. E. Scott	“ Rapides	Post Office.
B. W. Woodruff	“ St. Tammany	“ “
Victor Gradias	Rep. Manager Grant Parish	Tax Collector N. O.
A. J. Brien	“ 2d ward N. O	Insp'r Custom House.
Patrick Creagh	“ 3d “	Chief Laborer.
R. C. Howard	“ 4th “	Clerk Custom House.
J. C. Pinckler	“ 5th “	“ “ “
W. J. Moore	“ 7th “	“ “ “
Thomas Leon	“ 8th “	“ “ “
H. C. Bartlett	“ 9th “	“ “ “
T. H. Rowan	“ 10th “	“ “ “
A. W. Kempton	Comm'r 11th “	Boatman Custom House.
L. Backus	Manager 11th “	Police “ “
Napoleon Underwood	Supervisor 12th “	Inspector. “ “
P. J. Maloney	“ 14th “	Custom House.
W. F. Loan	“ 15th “	Chief of Police.

VISITING STATESMEN.

John Sherman	Secretary of Treasury.
John M. Harlan	Justice Sup. Court.
Stanley Matthews	Senator from Ohio.
James A. Garfield	Admin'n Can. Speaker.
Eugene Hale	Offered P. M. General.
Edwin W. Stoughton	Minister to Russia.
Wm. D. Kelley	Member of Congress.
Jno. A. Kasson	Minister to Austria.
J. R. Hawley	Commissioner to Paris.
John Coburn	Comm'r Hot Springs.

COUNSEL BEFORE THE ELECTORAL COMMISSION.

Wm. M. Evarts	Secretary of State.
Sam'l Shellabarger	Messrs. Hayes and Sherman's private counsel.

III.

THE FORGED ELECTORAL CERTIFICATES.

The electors thus declared chosen, except Levisee and Brewster, met in the State House, in the city of New Orleans, at noon on the 6th day of December, 1876. Both Levisee and Brewster, at the time of the election, held offices under the Federal government—Levisee as United States commissioner, and Brewster as surveyor-general, which, it was feared, rendered them ineligible as electors. They did not, therefore, attend the first meeting. The other members thereupon proceeded to choose them respectively to fill the vacancies occasioned by their own non-appearance, for having since the election resigned their offices, they were considered then eligible as electors. Levisee and Brewster being sent for, attended, and the electors then proceeded to vote for President and Vice-President by ballot. This they did, as Levisee states—and no different version has been offered to your committee—by each elector taking a slip of paper on which was written, "For President, Rutherford B. Hayes; for Vice-President, William A. Wheeler; folding such slip, indorsing it with his name, and openly depositing the paper in a hat (Levisee, pp. 98 and 751).

THE FIRST SET OF CERTIFICATES.

The electors, having thus disregarded the provisions of the Constitution, which require them to vote for President and Vice-President by distinct ballots, proceeded to sign, in triplicate, a certificate of the votes cast, which included in one list or certificate both the votes for President and Vice-President; and also a process verbal or recital, of their proeeedings, including an authority to Thomas C. Anderson to carry to Washington one of these certificates (Levisee, p. 93).

Kellogg, as governor, caused to be delivered to these electors, as required by law (R. S., sec. 139), three certificates, stating that they were duly chosen as electors. and one of these certificates by the governor was annexed to each of the triplicate certificates, which the electors signed (pp. 266, 636).

The electoral certificates were then enveloped and sealed up by H. Conquest Clarke, Governor Kellogg's secretary, and upon each of these envelopes a certificate was indorsed, as required by law (R. S., sec. 132), stating that it contained a list of all the votes for President and Vice-President; but the electors omitted to sign any of these certificates (Ferry, 133).

Of these triplicate papers, one was mailed on the 9th of December to the president of the Senate, one was filed by Clarke with the judge of the United States district court, and one was handed (by him or Kellogg), on the 21st of December, to Anderson to take to Washington (Clarke, p. 259).

THESE CERTIFICATES REJECTED.

Anderson arrived in Washington on Christmas eve, the 24th of December. On Christmas morning he waited upon Mr. Ferry, the president of the Senate, and presented to him the package he had brought. Mr. Ferry called his attention to the fact that the paper did not have the indorsement which the statute required, and Anderson says that thereupon he returned to his hotel and opened the envelope and examined the paper within, in the hope of finding the indorsement there; and then, although accompanied by ladies, without the rest of another night, returned immediately with the papers to New Orleans (Anderson, 539; p. 540).

Anderson reached New Orleans on the morning of Thursday, the 28th of December, and took the papers to Kellogg, at his office at the State House, and informed him that the president of the Senate had said that the returns were not in form, and that a new one must be prepared. Kellogg thereupon sent for Clarke, his secretary, and gave him directions to confer with Anderson and prepare such new certificates; and Clarke, learning from Anderson that the defect was that the electors had made one list of votes cast for President and Vice-President instead of two distinct lists, proceeded to rectify it, and he at once went to the Republican printing office and gave there, in person, the directions for the changes necessary for the new electoral certificates (p. 541; Kellogg, 674; Clarke, p. 258).

THE NEW CERTIFICATES.

The following are copies of the electoral certificate executed on the 6th of December and of the electoral certificate prepared by Clarke's direction upon the 28th of December for execution, but antedated as if of the 6th of that month:

ELECTORS' LIST OF DECEMBER 6.

THE UNITED STATES OF AMERICA,
STATE OF LOUISIANA, STATE HOUSE,
New Orleans, December 6, 1876.

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this the sixth day of December, in the year of our Lord one thousand eight hundred and seventy-six, we proceeded to vote by ballot for President of the United States on the date above; that Rutherford B. Hayes, of the state of Ohio, received eight votes for President of the United States, being all the votes cast, and that we then immediately proceeded to vote by ballot for Vice-President of the United States, whereupon William A. Wheeler, of the state of New York, received eight votes for Vice-President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WILLIAM P. KELLOGG.
J. HENRI BURCH.
PETER JOSEPH.
LIONEL A. SHELDON.
MORRIS MARKS.
AARON B. LEVISEE.
ORLANDO H. BREWSTER.
OSCAR JOFFRION.

CLARKE'S ELECTORAL LIST, PRINTED DECEMBER 28.

THE UNITED STATES OF AMERICA,
STATE OF [Seal] LOUISIANA, STATE HOUSE,
New Orleans, December 6, 1876.

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this day, Wednesday, the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, we proceeded to vote by ballot for President of the United States, whereupon Rutherford B. Hayes, of the state of Ohio, received eight votes for President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WM. P. KELLOGG.
J. HENRI BURCH.
PETER JOSEPH.
LIONEL A. SHELDON.
MORRIS MARKS.
AARON B. LEVISEE.
ORLANDO H. BREWSTER.
OSCAR JOFFRION.

THE UNITED STATES OF AMERICA,
STATE OF LOUISIANA, STATE HOUSE,
New Orleans, December 6, 1876.

We, the electors of President and Vice-President of the United States for the state of Louisiana, do hereby certify that on this day, Wednesday, the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, we proceeded to vote by ballot for Vice-President of the United States, whereupon William A. Wheeler, of the state of New York, received eight votes for Vice-President of the United States, being all the votes cast.

In testimony whereof, we, said electors, have hereunto signed our names, on this, the first Wednesday, being the sixth day of December, in the year of our Lord eighteen hundred and seventy-six, and of the Independence of the United States the one hundred and first.

WILLIAM P. KELLOGG.
J. HENRI BURCH.
PETER JOSEPH.
LIONEL L. SHELDON.
MORRIS MARKS.
AARON B. LEVISEE.
ORLANDO H. BREWSTER.
OSCAR JOFFRION.

It will thus be seen that the electoral certificate taken back by Anderson was a statement of the votes cast both for President and Vice-President, certified in a *single paper*, whereas the twelfth article of the Constitution, *which in this respect changed the Constitution from the original provision of the second article*, required that the electors should not only vote in *distinct* ballots for President and Vice-President, but that they should make "*distinct* lists of all persons voted for as President and for all persons voted for as Vice-President," which distinct lists "they were to sign and certify," so that the electoral certificates made on the 6th of December were open to objection as failing to comply with this precise and positive provision of the Constitution.

This defect was avoided in the new electoral lists, which were prepared as distinct. That is, there was a separate certificate to be signed by all the electors, stating the votes cast for President, and another distinct certificate, also to be separately signed by the electors, stating the votes cast for Vice-President; and both these distinct certificates by the electors were to be used in place of the original single certificate which reported the votes cast for both officers.

Anderson does not recollect that he consulted or spoke with any one about the sufficiency of the electoral certificate he took to Washington before he brought it back to Kellogg, but supposes he may have done so. He certainly did not notify him or any one of the defect by telegraph. But not to have consulted any one in Washington about it would have been a very unlikely course to take in a matter of such importance, and upon which, as Ferry told him, the Presidential election depended. And as Anderson on his return told Clarke that "friends in Washington thought that instead of the names for President and Vice-President being on one sheet they should be on two sheets," and notified Sheldon what the real defect was: he doubtless had consulted his "friends" here about it (Anderson, 540, 541; Clarke, 258; Kellogg, 673; Sheldon, 1576).

Clarke further states that the form of the electoral certificate made on the 6th of December was only adopted after much consultation and advice of counsel. That in a matter of such gravity he should at once, and without consulting with any one, have proceeded to discard that form and to adopt, instead of one, two distinct certificates, shows also that this course must have been advised by friends whom Brewster "supposed to be some of our leading men;" friends, indeed, of controlling prominence (Clarke, 260; Brewster, 255).

As the law (R. S., 140) required that the certificate should reach Washington by the first Wednesday of January (January 3, 1877), it was imperative that the new certificates should leave New Orleans not later than the afternoon of the following day, Friday, December 29 (Sheldon, 1275).

SO PRINTED AS TO MISLEAD.

Pressing as was the haste, Clarke, curiously enough, found time to have the new electoral lists printed upon sheets of a peculiar size, texture and appearance, and in a peculiar type, all corresponding in appearance exactly with the certificates of their appointment, furnished to the electors by the governor on the 6th of December, and to be dated that day, so that when annexed to the new electoral certificates, one looking at these certificates would naturally suppose that both the electors' and the attached governor's certificates were prepared and issued at the same time, instead of weeks apart (see original lists).

The deception thus intended would have been useless, and would not have been attempted, unless the parties had known in advance that they could possess themselves of certificates by the governor, dated December 6th. One of such certificates Clarke obtained, by detaching it from the electoral certificates of December 6 Anderson brought back from Washington, and annexing it to one of the electoral certificates prepared in triplicate on the 29th of December, but antedated to the 6th. For the other two parts of these later electoral certificates, he says he took like certificates by the governor, which had been left over since the 6th of December (Clarke, 268).

His story is, that Kellogg, finding that his certificates of who had been appointed electors had been filled out in a handwriting he did not like, ordered another set to be made out, and that thus there were duplicate governor's certificates of the 6th of December made, from which Clarke, after using those required for the electoral certificates of that date, had enough left over to answer for the new electoral lists of the 29th. Your committee have been unable to discover any such inferiority in the penmanship in the governor's certificates which Kellogg rejected as to require a new set to be prepared; nor has it been explained why, if the penmanship was so objectionable, Kellogg should have thought it necessary to be at the trouble not only of signing all the rejected certificates, but also of having his signature attested by the great seal of the state, and by the signature of the Secretary of State; nor why, after the well-written electoral certificates executed on the 6th of December were completed, it should have been thought necessary to preserve those rejected and unused governor's certificates (Clarke, 265).

But, whether the governor's certificates for the new electoral lists were made on the 29th of December, and falsely dated and certified by the Secretary of State to appear as if issued on the 6th of December, or whether they were "curiously" surplus certificates left over from the 6th of December, in either case Clarke was able to provide himself with certificates by the governor, dated December 6, to annex to the new electoral lists, so as to carry out the deception designed (Clarke, 261).

SECRETLY SIGNED.

The lists, being thus prepared for signature, were taken to a small room in the third story of the State House, "not at all frequented," where Clarke had them in charge, instead of being taken to his ordinary office adjoining the governor's chamber (Clarke, 259, 260).

No formal meeting of the electors was had, nor was any notice given that new lists were being prepared, but the whole proceeding was kept entirely secret among the parties concerned in its execution and their advisers.

On the following morning, Friday, December 29, Anderson proceeded, about eleven o'clock, to this upper room, where he found Clarke sitting at a table, and spread out before him were papers which seemed to be the electoral lists. He stated to Clarke that he was unable to again make the journey to Washington, and that some one must go in his place, and that it had been arranged that one Charles Hill, then an examiner in the auditor's office, and now a storekeeper in the custom-house, should be the messenger for that purpose; and he asked Clarke if the certificates would be ready to go that afternoon by the train to the north—which train left New Orleans about five o'clock. Clarke responded that they would be ready. Meantime, word had been sent out by Clarke to the different electors to come to the state building (Anderson, 544, 545).

Kellogg, Brewster, Sheldon, Burch, Joseph, and, perhaps, Marks, seem to have been at the State House during that day.

Kellogg swears he signed the certificates that day, but saw no one else sign them. Brewster, that he signed them, but saw no one else sign them. Marks, that he signed them, and saw Sheldon sign them; and saw Burch, and, he thinks, Joseph, in the room when he signed (Kellogg, 675; Brewster, 253, 255; Marks, La., 423).

Clarke says he saw Kellogg sign them, and that Kellogg signed first, and saw them signed by Brewster (Clarke, 262, 263, 271).

Sheldon says he saw Anderson on the morning of his return; was told of the defects in the first certificate and the necessity for a new set; and knew of the importance of their being sent forward at once. Knew Joffrion and Levisee to be out of town, and inquired of Kellogg if they would be there in time, and was told they had been sent for. Called the next morning on Kellogg, and asked if they had arrived, and was told by him they had; and then went with Kellogg upstairs to the private room; there saw Kellogg sign, Burch sign, Marks sign, and signed himself, but met no other of the electors that day at all (Sheldon, 274).

In the afternoon, about half-past three, Hill says Kellogg went with him from his chamber, in the executive office, upstairs to get the returns. There they found Clarke, but no one else whom he can now identify. Kellogg asked if Brewster had signed, and Clarke answered that Brewster had not come yet. While they were waiting Brewster came in and signed the returns, and was the last who did sign them; then Clarke folded up the papers, put them in the envelopes, sealed them, and Kellogg took them down stairs to his office, accompanied by Hill, and there wrote something on them (probably his signature to the indorsement), and handed to Hill to take to Washington one of the triplicate parts, and gave him a letter directed in Anderson's writing, to Ferry (Hill, La., 50, 52; Hill, La., 50, 53).

Anderson states that, toward four o'clock of that day, he went up to this upper room and met Brewster coming out. Brewster stated that he had just signed the returns. Anderson entered and found Clarke there, and he thinks Hill, although as to that he is not positive. Anderson sat down at a desk in the room and wrote a letter to Ferry introducing Hill, and inclosed with it his authority as messenger, and handed it to Hill, and left the room (Anderson, 545).

Hill departed for Washington with his triplicate of the electoral certificates that afternoon. Clarke sent another triplicate by registered mail by the same train, and on the following day Clarke took the third set to the district judge and filed them there. These certificates purported to be signed by all the electors (Hill, La., 50; Clarke, 259).

TWO ELECTORS' SIGNATURES FORGED.

Levisee has testified that on the 28th and 29th of December he was himself many hundred miles from New Orleans, at Shreveport. He could not, therefore, be procured for the purpose of signing the new electoral lists, and did not sign them; and that the signature of his name appended to them is not his, but a tolerably well-imitated forgery (Levisee, 92, 96).

On the 9th day of June last one Thomas S. Kelly, who had formerly been a door keeper employed by Kellogg in his office, and who had general charge of it for four years under Clarke, and who had been reported as dead, wrote to the chairman stating that he was then living at Lake Providence, Louisiana; that he saw Joffrion's and Levisee's names forged to the electoral certificates, and, if protected from being murdered, he would so testify (Kelly, La., 567).

Kelly was accordingly summoned before the sub-committee in New Orleans, but, on the day on which the subpœna reached him, one James D. Kennedy, an employee of the sergeant-at-arms of the Senate of the United States, where he had been appointed on the recommendation of Senator Kellogg, and who had obtained from the sergeant-at-arms, upon Kellogg's request, leave of absence, arrived at Lake Providence and took Kelly with him and carried him off to Cincinnati and thence, so that at the time your committee were not able to find him (Kelly, La., 569, 571; Kennedy, 1115; Kellogg, 681, 682).

After Kelly's letter had been proved, and his journey with Kennedy had been traced to Washington, and the facts published, he and Kennedy notified the committee they were ready to be called. They were not called at the time, but some months later, during all of which time, although poor as a "church mouse," having been brought to Washington by the money which Kennedy furnished him, with no baggage but a satchel, Kelly continued living at Washington, judging from his appearance, in luxury, doing nothing he would state (Kennedy, 1116, 1117).

He then reaffirmed the story which he had told in his letter, and declared that he knew that both Levisee's and Joffrion's signatures were forged, because neither of them was in New Orleans on that day, and from the further fact that he saw Joffrion's signature forged. He says that the forgery was executed by one D. P. Blanchard, then the executive clerk in Governor Kellogg's office, and chairman of the Executive Republican Committee. As Blanchard died after Kelly's letter to the chairman, and as Kelly wrote the letter because of his dissatisfaction at the conduct of Hayes and his administration, and as he had been for months cared for by the friends to whom Kennedy had brought him, your committee strongly suspect that this story was false, and was told because Blanchard was dead, and in order to divert attention from the persons who really committed the forgery (T. S. Kelly, 1135, 1147; T. S. Kelly, 1147, 1148; Jewett, 1440, 1448).

NECESSITY FOR FORGERY.

Since it was known when the second set of electoral certificates was prepared that the Presidential election turned upon one vote, it was essential that the certificates, if signed at all, should appear to be signed by all the electors. With six votes they would have been no more useful than with one, and as it was not known until Anderson returned that they would be needed, there was little time to get, from the interior of a state in which travel is so difficult as in Louisiana, the persons whose presence was requisite. It was natural, therefore, that some of these might not arrive in time. It was equally necessary that the certificates should leave on the 29th, so that their arrival could not be waited for. Joffrion, Levisee and Marks all resided in the interior. Marks says he arrived in time, although there is much confusion about his story. Joffrion and Levisee did not. It became, therefore, a necessity that if the new electoral certificates were to be of any use the names of the absentees should be forged to them. The resources of Kellogg's administration were equal to the occasion, and they were forged (Marks, La., 418, 420-6; Whitaker, La., 573; Douglass, La., 574).

As these papers consisted of distinct lists of the votes for President and of the votes for Vice-President separately certified, the signature of an elector was required to the set of papers nine times—once to the list of votes for President, once to the list of votes for Vice-President, and once for the indorsement upon the envelope reciting what the papers within were; and as the papers were prepared in triplicate these three signatures had to be three times repeated, thus making nine signatures for each elector, to say nothing of the signatures that may have been required to a new authority to a messenger to carry the electoral list to Washington if a new authority was executed.

And so it was that these papers thus prepared in the State House in New Orleans, under the direction of Kellogg and his secretary, were furnished in the afternoon of the 29th day of December, 1876, with from eighteen to twenty-seven forged signatures.

DELIVERY OF FORGED CERTIFICATES.

Two of the forged electoral certificates reached Washington on the first Wednesday of January, 1877, one by mail, the other by Hill as messenger. Upon his arrival Hill waited upon Mr. Zachariah Chandler, chairman of the Republican National Committee, to whom he brought a letter from Kellogg. He informed Chandler he had brought the returns, and was then directed to immediately deliver them to Mr. Ferry. He reached Mr. Ferry's office at the Capitol about four o'clock. Hill informed Mr. Ferry what he brought. Mr. Ferry went out and called in Mr. John Sherman, and then, in Mr. Sherman's presence, Hill delivered his triplicate of the forged certificate to Ferry. Hill then went with Mr. Sherman to his committee-room, where Sherman wrote a letter to Kellogg, which he delivered, sealed, to Hill to take back. Hill then waited upon Mr. Frye and Mr. Hale, to whom he brought letters from Mr. Packard, and told them he had brought the returns, and then Mr. Frye told him to "hold the fort," and Mr. Hale "to stand firm" (Ferry, 140: Hill, La., 53; Hill, La., 567).

ATTEMPT TO SUPPRESS GENUINE CERTIFICATES.

The first intention of the parties was to suppress the genuine certificates of the 6th of December, and rely entirely upon the forged ones, which were regular in form. Clarke accordingly suppressed and retained the certificate which Anderson had taken to Washington, and an application was made to the district judge to withdraw from the files the triplicate of the genuine set which had been filed in his office, but this the district judge refused to permit, and the purpose in this respect was thereby defeated. Not only did neither the press nor any of the Democratic leaders learn that a second meeting of the Electoral College was to be held, or that the electoral certificate intrusted to Anderson had been returned to New Orleans, or that new ones were made, but the matter was, as Brewster styles it, "kept rather private;" so private that, although he was repeatedly sent for during the 29th to come to the governor's office, it was not even hinted to him why his presence was needed until he learned the reason from Clarke there. And the president of the Senate, Mr. Ferry, appears to have as carefully withheld from the Democrats in Washington, and indeed from everybody but two of the Republican managers, any knowledge that another set of certificates had been received from Louisiana (Clarke, 266; Devonshire, La., 61; Brewster, 252; Ferry, 147; Tucker; Hunton).

THE BURLESQUE CERTIFICATE AND ITS OBJECT.

When the two houses met in joint convention on the 12th of February, 1876, and the state of Louisiana was reached, the president of the Senate produced first the genuine Kellogg certificate, which had come to him by mail; next the McEnery certificate, which had come to him in duplicate, one copy by mail and the other by messenger; and next the forged Kellogg certificate, of which two copies, one by mail and the other by Hill as messenger, had reached him; and finally a certificate signed by John Smith, declaring that the vote of Louisiana had been cast for Peter Cooper. This bogus certificate the convention directed to be suppressed from its records, and no reference to it appears there. It is difficult to conceive why, for the first time in the history of the government, a false, an avowedly false certificate should have been sent in, in a case of all others so serious, and regarded so extremely unfit for pleasantry, unless it was to draw attention from the forged Kellogg certificates, and to create a diversion which might withdraw from those certificates the scrutiny of the convention, and to create a certificate to which any rumors of a forgery in the electoral certificates from that state might naturally be ascribed. This suspicion is strengthened by the fact that this certificate cannot now be found, nor is any account given of what became of it, after it was returned by the tellers. It appears by the record kept of such certificates that it reached the president of the Senate on the 9th of January, 1877, six days after the delivery of the forged Louisiana certificates, time enough after that certificate was received to have telegraphed to Louisiana to have this burlesque paper prepared (Electoral Count, 205, 212; Moses, 1160–1; Ingalls; Allison).

THE FRAUD ON THE ELECTORAL COMMISSION.

All the certificates, except that of Smith, were sent before the Electoral Commission. There they were not read, but as the reading was about to begin, a motion was made that they be printed, and the secretary of the commission was thereupon directed to have them printed. It had been the practice of the secretary to send the original certificates to the public printer to be printed, by whom the certificates and printed copies were returned the following morning; and the printed copies were then distributed by the secretary or his deputy to the commission and the counsel. On this occasion, however, and on this occasion only, the certificates, instead of being sent to the public printer, were sent to a private printer, Mr. Pearson, who, instead of returning them the following morning to Mr. McKenney, the secretary, to be distributed, distributed them directly to the commission and the counsel by two of his press boys. This change of the printer and in the delivery of the prints of the certificates neither the commission nor the counsel seem to have been aware of (Electoral Count, 218; McKenney, 118, 121; Pearson, 567, 568).

Inasmuch as no notice was taken by the many counsel before the commission, nor by those in conference with them, nor by any of the members of the commission, nor by any of the two hundred Democratic members of the House and Senate, whose attention had been concentrated upon Louisiana, of the fact that the first electoral certificate from that state was so defective, the presumption would seem to be inevitable that the prints of the Louisiana-Kellogg certificates, which were distributed, must have been, not one copy each of the original defective certificate, and of the revised certificate with forged signatures, but, instead, two copies of the latter (Electoral Count, 212–16).

Such a substitution of the one print for the other might have happened by accident. But the attendant circumstances indicate that this change in the distribution of the prints was the result, not of accident, but of design.

The originals of the Louisiana certificates had been marked by the presiding judge with his initials, and with a number to distinguish them. That is, the first certificate of the Kellogg electors was marked "No. 1, N. C.;" the next, or Democratic certificate, was marked "No. 2, N. C.," and the forged certificate was marked "No. 3, N. C." But as printed, these distinguishing marks were omitted, and the prints were without any distinguishing marks, and the prints of the two Kellogg certificates were made exactly alike in external appearance, and their first pages (which contained the certificate of the governor as to who were the electors) were so set up as to be precisely alike, both in matter and in form, so that they might easily be mistaken one for the other, and that if the delivery of two copies of the forged but revised certificate, instead of one copy of that and one of the prior genuine but defective certificate should be discovered, the change could easily be accounted for as an accident.

Mr. Murphy, the stenographer of the Electoral Commission, tells us that he caused the printed copies of the Louisiana electoral certificates to be marked "1," "2" and "3," but beyond taking care that Nos. "1" and "3" had Kellogg certificates as governor attached, he gave them no examination, so that he might as readily have marked two prints of No. "3" as prints of Nos. "1" and "3" with those numbers (Murphy 1141).

Besides, if the substitution in the delivery of one printed copy for the other had been by accident, some one of the commission, at least, would have received a print of the first Kellogg certificate, or have been left without a print of the McEnery certificates, and this would have led to remark.

Beyond this it is to be observed that while Kellogg knew of the forgery, and took great care to prevent the fact getting out, he yet let the Republican managers know that there was something wrong about the second set of certificates; and as there was nothing wrong on their face that wrong must have been in their execution. He says he told Morton that the second set was made after the law day, and must not be depended upon, and that the first set was all right, and to stand on that. But the "leading friends in Washington," who had declared on the 25th of December that the certificates first made on the law day were defective, and that separate ones must be prepared, knew, as soon as they saw the second set, that they were antedated. Kellogg's statement could not, therefore, have been meant to give Morton that information. But in whatever form given, whether by a word, a shrug, a look, or an inflection of the voice, even if Kellogg went no further, it would have served to give that astute manager to understand that while the new certificates were important for the commission to consider, it would never do to let them stand in the record, nor leave it to be thereafter discovered that the Presidential election depended upon them (Kellogg, 710-11).

THE FALSIFICATION OF THE RECORD.

Accordingly, before the Electoral Commission, Mr. Morton moved that the votes in certificate No. 1 (the objections to which, it will be observed, stated nothing as against the form of that certificate, and were doubtless drawn to apply to No. 3, and not to it), be counted, and limited his motion to certificate No. 1. And when, later, the record of the proceedings in Congress and before the Electoral Commission came to be made up, this formally correct but forged certificate was, in fact, wholly suppressed, while a second copy of the genuine but defective certificate was inserted in its place. That is, the record declares that there was before the Congress, and by it referred to the commission, and there considered, the Democratic certificate and the genuine but defective certificate of the Republican electors, and no others, the latter in duplicate, once by the name of No. 1, and later by the name of No. 3. Whereas, it is altogether certain that this was not the fact, and altogether probable that the prints which were before the Electoral Commission were a print of the Democratic certificate and two prints of the forged Republican certificate, and of these alone, and that nothing whatever was considered or acted upon by the commission or Congress but these, and that, instead of it being the fact, as these records state, that Congress and the commission had before them two prints of the genuine but defective, and no other Republican certificate, there was before them, and really considered by them, only two prints of the regular but forged—and of no other Republican—certificate, and that neither Congress nor the commission ever had an opportunity to or did consider the defects of the genuine certificate at all (Electoral Count, 420; Electoral Count, 205–7, 208–11; Pro. Electoral Com., 292).

NOT ACCIDENT, BUT DESIGN.

An attempt was made to explain this error in the record, on the ground that the printed copies of the certificates had become accidentally intermixed. Mr. McKenney says that when Mr. Murphy, the compiler of the volume known as "The Electoral Count," and stenographer of the commission, applied to him for copies of the Louisiana certificates, he took from each of the three pockets in which he had received the prints of these Republican certificates from the printer one print, and gave them to Mr. Murphy; and that when, the following year, he learned that a mistake had occurred, he went to these pockets and found that the certificates had become intermixed, different ones having gotten into the same pocket. Such a mistake might have happened accidentally once, although in setting up the type from such copies it would be almost unavoidable that attention should then have been called to it; but, unfortunately for the theory of mistake, there were two separate reports of the electoral proceedings printed: one, this book of "The Electoral Count," and the other the "Supplement to the Congressional Record," which was first prepared. Mr. McKenney made up the matter himself. Mr. Murphy did notice, in making up the matter for the Electoral Count, that the two Kellogg certificates, "1" and "3," were identical, and he took this as evidence of the correctness of the printer, supposing "1" and "3" to be duplicates of the same certificate. In both books precisely the same error occurs, and in both the revised but forged Louisiana Kellogg certificate is suppressed . The chances against this having occurred once by accident would be six to one; against its having occurred twice, thirty-six to one; quite independent of the additional improbability arising from such a mistake not having been noticed in the office of the public printer on either occasion, and having been discovered only after the forgery was known and this examination was instituted.

Whether the genuine electoral certificate from Louisiana was so fatally defective that its vote could not have been received, or not, the parties in interest were entitled to the judgment of the commission upon this, and that judgment they never had. Instead, the certificate which was passed upon of the votes for Hayes and Wheeler from Louisiana was a certificate made after the law day when the electors were *functi officiis*, and therefore of no validity. But were this otherwise, it was still a forged certificate; whether of two or more electors is immaterial. As to two electors, at least, there never was before the commission for consideration any vote from Louisiana at all. So that, absolutely, Mr. Hayes was counted into office at most upon 183 votes, and the declaration of his election is the result of this imposition upon the commission and Congress, or, at least, upon those members who were not informed upon the subject of the two forged votes attached to a list perfect in form.

THE FORGERY KEPT SECRET.

So entirely secret was not only the forgery but the *post* execution of the second set of electoral certificates kept, that except to certain Republicans nothing was known of it until more than a year after the session. By accident the forgery of Levisee's name became known, and in the inquiry which followed we have only been able to learn what could be obtained from persons connected in some way with the forged certificates and open to suspicion of participation in or knowledge of that fraud.

Of these persons Kellogg became Senator of the United States, Burch remained Senator of Louisiana, Brewster surveyor-general, and Joseph captain of police; Conquest Clarke became first-class clerk in the Treasury Department, Hill storekeeper, and Anderson collector. And after this inquiry was begun, and the forgery became known, of the remaining persons naturally suspected of some connection with it, Marks was made collector of internal revenue, Levisee special treasury agent, and Sheldon counsel for Mr. Sherman. It is also significant that Howard, McKenner's deputy, was appointed to a place in the Post-Office Department on Senator Morton's recommendation. So long as Kelly kept silence no provision was made for him, but so soon as it was known that his dissatisfaction with Mr. Hayes' action had made him speak, he was convoyed to Washington by a Senate employee and cared for by friends unknown to the committee until he could testify that the forgeries were committed by a man who was dead (Kelly, La.. 568).

Levisee's appointment was especially significant. Having, like Joffrion, been absent, he neither joined in nor knew of the second set of certificates or their forgery, and so had no claim to a place. But when, after the forgery became known, Kellogg denied that he had informed Levisee of the forgery during the sitting of the commission, and enjoined him not to speak of it, and Levisee was sent for to testify as to that, he failed to appear; and it turned out that he had in the meantime been appointed special agent of the treasury by Kellogg's procurement, and your committee have not since been able to secure his attendance (Kellogg, 711, 679-85; P. 1468; P. 785).

KELLOGG AND CLARKE PRIVY TO THE FORGERIES.

Of course these signatures did not forge themselves; nor would any person have committed so grave a crime, except under some strong inducement. There was nothing in the position either of Kelly, the negro doorkeeper, or of Blanchard, the executive clerk—the subordinates charged with this crime—to induce them of their own volition, without the knowledge or request of Kellogg, to stand for and forge the names of the absent electors. It is, besides, physically as well as morally impossible that these eighteen forgeries could have been committed without coming to the notice of Kellogg, who ordered and joined in, and Clarke, who was charged with the execution of the papers. Both knew Levisee and Joffrion were absent: both were necessarily anxious about their arrival, and neither could have escaped knowing of their entrance into the State House, then garrisoned.

Kellogg's guilty participation in the execution of this paper, upon which, as he testifies, Anderson told him Ferry said the presidential election depended, is manifested throughout—by his sending for the electors privately; by his secret conference with and direction to them as they arrived; by his false declaration to Sheldon, that Levisee and Joffrion had come; by his going in the afternoon to the private upper room, to see if Brewster had arrived; by his waiting there until he did arrive, and until the papers were enveloped and sealed; and by his then taking the papers from Clarke, and forwarding them by Hill? (Kellogg, 673.)

Brewster was the last who signed; the forged signatures had been supplied before he came. It is impossible that Clarke might have stepped out of the room to allow Kelly or Blanchard, or whoever did forge them, to do so; but it was impossible that he could subsequently put up, or that Kelly could see him put up the papers without seeing that the signatures of the absent men had been supplied. Equally impossible for Kellogg to have signed his name at the last moment on the sealed envelopes without noticing the forged signatures of the absentees just below the place where he was signing.

The ignorance or indifference asserted by the persons charged with the execution of these papers, and who were bound to know, and must have known about these forgeries, confirms their guilt.

We are without a reasonable doubt that at least eighteen signatures to the second set of electoral certificates from the state of Louisiana were forged on the afternoon of the 29th of December, 1876, in the State House at New Orleans, and that William Pitt Kellogg, first Republican elector at large and governor of the state, and now a Senator of the United States, and H. Conquest Clarke, his private secretary, now a clerk in the Treasury Department, were privy and accessory to such forgeries.

IV.

DANGER OF RETURNING BOARDS.

When the Democrats recovered control of Louisiana they abolished the returning board, and there no longer exists in the United States any tribunal having discretion to receive or reject at pleasure the votes cast. No such body ought ever again to be permitted. If the wisdom of the fathers and the experience of free government have settled anything, it is the necessity of keeping the functions of judging and of administering the laws separate. No tribunal ought to be clothed with such a discretion; no persons ought to be intrusted with absolute powers upon the exercise of which the success of their own party and their own power and that of their friends depend. Such discretion cannot fail to be debased and abused, and the abuses will be greater as the temptation is greater and as the irresponsibility of the officials increases. It is idle to talk of free government where the people are not permitted to choose, or where their choice is ignored or disregarded by the custodians of the people's power.

AND OF FEDERAL INTERFERENCE.

Nor can the danger of interfering in local election by Federal troops, whether to protect officials in the exercise of discretion or to coerce citizens or to aid voters, be overrated. If an election cannot be conducted without foreign troops to protect the men who vote and the men who count, there should be no election. Military used to protect those who count and those who vote, will prove to be military used to put down liberty under the guise of protecting it, and to be the more dangerous because of its disguise.

AND FROM FEDERAL PATRONAGE.

But behind all these dangers remains the fundamental danger resulting from the centralization of all appointments to office in the President. In no government in the world is so vast a patronage dependent on the absolute control of a changing Executive. If the Executive were permanent; if the patronage were distributed; or if the tenure of office were in any way fixed by law, the evil would be lessened. But now at the end of each four years the entire Federal patronage—amounting to one hundred and ten thousand offices—is collected in one lot, and the people divide themselves into two parties, struggling, in name to choose a President, but in fact to control this enormous patronage, which the President when elected is compelled to distribute to his party, because he was elected to so distribute it.

The temptation to fraud, to usurpation, and to corruption thus created, is beyond calculation. A prize so great, an influence so powerful, thus centralized and put up for contest at short recurring periods would jeopard the peace and safety of any nation.

The election of a President would never lead to the effort and struggle and bitterness with which it is now attended, nor be followed by any question as to who was really the choice of the people, nor be the subject of any attempt to defeat their will, but for the offices within his gift.

No nation can withstand a strife among its own people so general, so intense, and so demoralizing. No contrivance so effectual to embarrass government, to disturb the public peace, to destroy political honesty, and to endanger the common security was ever before invented. Its existence in this nation was not designed, but was the result of a national growth and centralization, which the fathers could not foresee, and failed therefore to provide against. Every principle upon which they founded government, every practice which they inculcated, demand of us in some way to break up this system, and by removing the evils remove also the dangers with which it threatens us.

RECAPITULATION.

To recapitulate then:

First. The power to appoint electors of President and Vice-President for the state of Louisiana was legally and constitutionally vested in the people thereof.

Second. This power was duly executed in 1876. On the day, in the manner, and at the places prescribed by law, the ballots of the people were taken and counted; showing a clear majority of seven thousand for the Tilden electors in Louisiana.

Third. This majority was wholly made up of voters, legally qualified; their right to vote being subjected to the scrutiny of hostile registrars and commissioners, appointed by their enemies for every polling place.

Fourth. The election was free and peaceable. There is no proof or pretense that intimidation was practiced on the day of election.

Fifth. Nor were the people prevented by intimidation, or any cause, from assembling at the polls. All allegations to the contrary are effectually disproved by the undisputed fact that the vote was larger in proportion to the population than at any previous election ever held in the state—larger than in most of the other states where elections were held the same day, and where every exertion was made to bring out the last man.

Sixth. The Tilden electors were thus "duly appointed" by the people who alone had the right and power to appoint. This thing was not done in a corner; it was seen and known of all men. The act of appointment was immediately placed on the public records of the several parishes. This fact is as indisputable as any other in history.

Seventh. The legal, just and constitutional effect of this appointment upon the presidential election could be avoided only by falsifying the act of the people; that is to say, by altering the election returns in such manner as to make them appear like an appointment of other persons instead of those who in truth and in fact were appointed. This was the crime by which the authority and will of the people were defeated in the case under consideration. A crime—considering the extent of the corrupt combination required to carry it through, the vast chain-work of frauds, false pretenses and perjuries connecting it together, and the magnitude of the rights prejudiced by it—of the highest magnitude.

Eighth. The agents of the Republican party sent into the state to get its electoral vote for Mr. Hayes, were among the ablest and most conspicuous men in their organization; they were designated for this service by the then President, and many of them were known as the intimate friends of his successor. These men, notwithstanding that the Tilden electors had been fairly, peaceably and legally chosen by a large majority of the people at a full poll, encouraged, by their presence, the fraud, falsehood and crime by which the vote was used to elect Mr. Hayes. They affected to believe that the returning board had legal and constitutional power to set aside the appointment made by the people, and make another appointment themselves; they pronounced the warmest encomiums on members of the board who bore characters notoriously bad; and they distinctly refused to unite with the Democrats in an effort to have an honest count made of the votes actually cast and legally returned by the proper officers of the election.

Ninth. No direct evidence has revealed what bargain was made in words or in writing with members of the so-called returning board; but we cannot doubt that they did their corrupt work with the understanding that they should not only be protected against public justice, but rewarded for their villainy. This pledge has been kept. When Wells and Anderson were indicted, Federal officers at Washington interfered with the administration of state law at New Orleans; and those same men and the others who gave their active assistance to the perpetration of the fraud have been quartered on the public treasury, and the people whom they have defrauded are made to pay them for their crimes.

Tenth. All the foregoing propositions of fact apply *nomine mutato* to Florida, as well as to Louisiana.

The majority in the former state was not so large as in the latter, but it was decisive and well attested. The appointment made by the people was frustrated and altered in a like way under the instigation of "visiting statesmen" of the same class, and was followed by similar reward.

The fraud was aggravated in Florida because the canvassing board had no power under their statute but that of mere clerks, and their Supreme Court had expressly so decided; and because all the departments of the state—judicial, legislative and executive—protested against their action as not only false, but a mere usurpation.

The necessary effect of a successful and prosperous falsification of the choice of the people for the Chief Magistracy of the country, is to tempt all those who profit by the wrong, and those who suffer by it, to adopt the like corrupt methods on future occasions.

CONCLUSION.

Finally we report:

First. That due effect was not given to the vote of electors appointed by the state of Florida at the presidential election of 1876, by reason of false and fraudulent returns for the said electors by the canvassing board of that state, whereby the choice of the people of that state was annulled and reversed, and that the action of the board of state canvassers in making the returns was countenanced and encouraged by, among others, the Hon. Edward F. Noyes, who has since been appointed the minister for this country to France.

Second. That due effect was not given to the vote of the electors appointed by the state of Louisiana at the presidential election of 1876, by reason of the false and fraudulent action of the returning board of that state, whereby the choice of the people of that state was annulled and reversed, and that the action of the returning board was countenanced and encouraged by, among others, the Hon. John Sherman, who has since been appointed Secretary of the Treasury.

Third. That a conspiracy existed in the state of Louisiana, whereby the Republican vote in all the precincts of the parish of East Feliciana and in some of the precincts of West Feliciana at the general election in November, 1876, was purposely withheld from the polls to afford a pretext for the exclusion by the returning board for that state of the votes cast in those precincts for electors for President and Vice-President.

Fourth. That the signatures of two of the electors to the second Republican certificate of the electoral vote of the state of Louisiana returned to Congress and referred to the Electoral Commission were forged; and that William Pitt Kellogg, then governor of that state, and now a Senator of the United States, and H. Conquest Clarke, his private secretary, now a clerk in the Treasury Department, were privy to such forgery.

Fifth. That Samuel J. Tilden and Thomas A. Hendricks were, and Rutherford B. Hayes and William A. Wheeler were not, the real choice or a majority of the electors duly appointed by the several states and of the persons who exercised and were entitled to the right of suffrage at the las general election in the United States.

All of which is respectfully submitted.

CLARKSON N. POTTER.
WILLIAM R. MORRISON.
EPPA HUNTON.
WILLIAM S. STENGER.
JOHN A. McMAHON.
JOSEPH C. S. BLACKBURN.
WILLIAM M. SPRINGER.

TREASURY BOOK-KEEPING.

FORCED BALANCES.—THE PUBLIC DEBT DOCTORED.—DISBURSEMENTS INCREASED. RECEIPTS DECREASED.—ERASURES AND MUTILATIONS.—PENSION ACCOUNT CROOKEDNESS.—THE SECRETARY VIOLATES THE LAW.—FICTITIOUS WARRANTS DRAWN.—MILLIONS UNACCOUNTED FOR.

Senator Henry G. Davis of West Virginia, having stated several times in the Senate that the various reports from the Treasury regarding the financial condition of the government did not agree, a committee of investigation was raised by the Republican Senate, and continued by the Democratic Senate. The investigation fully sustained every statement that had been made by the Senator, and it is a matter of importance that as to the facts in the evidence the majority and minority reports virtually agree. The majority report submitted by Senator Davis makes clear the fact of great discrepancies in the figures on the books of the department.

The system of

FORCED BALANCES

was to increase the amounts of previous years in the reports of five and six years subsequent, and thus, by the mere insertion of false amounts, make the books balance. For instance:

In the report of 1870 the expenditures for pensions are stated for the year 1864–65 at	$16,347,621 34
In the report of 1869 the same expenditures in the same year are stated at	9,291,610 48
Showing an increase in the report of 1870 over the figures in the report of 1869 of	7,056,010 86

The annual treasury report for 1870 gives the expenditure for pensions for that year at $28,340,202.17, while four years later the annual report states the expenditures for 1870 at $28,402,241.20, or $62,039.03 more than the amount given in the report for the year in which the expenditure was made. In this manner the treasury books and reports show discrepancies in the expenditures of nearly all the departments of the government. In the report of 1869 the War Department is charged with $599,298,600 for the year 1863. Two years later, or in the report of 1871, the War Department is charged with over four million dollars more for the year 1863 than it was in the report of 1869. A discrepancy of over two million dollars occurs in two statements of the expenditures of the Indian Department for 1863. A difference of FIFTY-EIGHT MILLIONS in the loan and treasury notes for 1863 is found between the report for that year and the report of 1870 for the year 1863.

In every instance the difference is in the shape of an increase in after years, which increases were found necessary to make the books balance. While this is the fact regarding the disbursements of money the rule is made to work equally well in the receipts. DISBURSEMENTS ARE INCREASED and RECEIPTS DECREASED. All these facts are taken from the official reports of the Treasury, and are not the result of any computations other than the simple comparisons to be seen at a glance in these reports. This is the manner in which

THE REVENUE DIMINISHES,

as time gives it a perspective view.

Report for 1866 states net revenue collected for 1864	$264,626,771 60
Report for 1870 states net revenue collected for 1864	262,742,354 32
Showing a decrease of	1,884,417 28

In 1870 there was need of a large amount to make a balance, and the annual report for that year displays the net receipts of revenue for the year 1865 to have been over ten millions less than the report of 1866 gives the revenue for the year 1865. This vast amount is totally unaccounted for in the books of the Treasurer, Register, and of the Secretary of the Treasury. No explanation could be given by the witnesses called, and not a marginal note could be found in the books to relieve the anxious searcher of the hole through which the ten millions disappeared. The letters of the Commissioner of Pensions of July 25th, 1876, for the eleven years ending with 1870 show the amounts paid during those years for

ARMY AND NAVY PENSIONS

to have been $129,391,228.38. The Secretary's finance report for 1870, page 30, gives the expenditures for the same purpose and same years $143,540,493.44, or THIRTEEN MILLION FIVE HUNDRED AND FIFTY-FOUR THOUSAND FOUR HUNDRED AND NINETEEN DOLLARS AND EIGHTY-NINE CENTS more than the Commissioner of Pensions reports. The Treasurer says the Commissioner received $13,554,419.89 more than the Commissioner officially says he received.

There are millions of dollars difference between the Secretary, Treasurer, and Register as to cash in the treasury at the end of fiscal years. It is a fact that the statements of the Secretary, Register, and Treasurer all differ widely at the end of fiscal years between 1860 and 1870 as to cash in the treasury, interest paid, receipts and expenditures, and the amount of the public debt. No explanation is given by the minority report or the treasury officials.

The annual reports of

THE PUBLIC DEBT

from 1835 to 1869 are, in the year 1871, practically thrown aside. In 1871 and subsequent years the statements of the public debt for these years by some magical power is changed, and all the previous reports for thirty-five years are abandoned, or at least sought to be abandoned. In some years, according to the new order of things, there is an increase and in other years a decrease in comparison with the reports that were made from year to year during all this time. The reports of 1869 and previous years show aggregate of the annual statements of the public debt at the end of 1869 to be $19,973,622,423.71. But under the new dispensation of 1871, the report for the same years brings the debt up to $20,221,399,098.42, or TWO HUNDRED AND FORTY-SEVEN MILLION, SEVEN HUNDRED AND SIXTY-SIX THOUSAND SIX HUNDRED AND SEVENTY-FOUR DOLLARS AND SEVENTY-ONE CENTS more than it had been reported. It is a significant fact that during the years 1867 and 1868, preceding Grant's election, the first time the new report shows a decrease in the public debt, but in the years 1869 and 1870 the debt suddenly increased $193,000,000. The examination of these debt statements shows how regularly they were

MANIPULATED ABOUT ELECTION TIMES.

After the election the debt, as in 1869 and 1870, is forced up to cover the forcing down process that preceded the election. But there is no such covering up process to account for the marvelous and sudden increase of over two hundred and forty-seven millions in the year 1871. A new table of expenditures in the report of 1871 is also brought into service, and past reports discarded ·

Increase of expenditures in report of 1871 *as compared with report of* 1869.

Year.	Military service.	Pensions.	Indians.	Naval establishment.	Total
1860	$2,000,000 00				
1862			$104,546 10		
1863	4,015,810 99		2,075,706 35	$50,130 04	
1864		$5,840 73	91,678 17		
1865		7,056,010 86	92.395 81	49,657 95	
1866		197 53	48,664 76		
Total	$6,015,810 99	$7,061,949 12	$2,412,991 19	$99,787 99	
Increase:					
Military service					$6.015.810 99
Pensions					7.061,949 12
Indians					2,412.991 19
Naval establishment					99,787 99
Total					$15,590,539 29

ERASURES AND MUTILATIONS.

To make the new statements which began with the report for 1871 consist with books of former years, the books of former years were scratched and made almost a new set.

On the question of alteration, changes, and erasures of the Treasury books, William Woodville testified :

Q. Did you find upon those books alterations or errors or erasures in figures ?
A. Yes, sir; I found alterations, scratches, canceled warrants.
Q. To what extent?
A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches and canceled warrants amounted to about twelve hundred in round numbers.
Q. Twelve hundred different alterations ?
A. Alterations, scratches. and canceled warrants, anything like a change from the original amount.
Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures ?
A. Amounts scratched and new figures substituted.

It will be seen from the above that the testimony shows on the Treasury books between 1860 and 1867 in round numbers twelve hundred alterations, changes, erasures, etc., affecting amounts ranging from a few dollars to many millions. Mr. Saville, former chief clerk of Treasury Department, answered :

Q. Do you think it would be good book-keeping to carry erasures into the ledger ? Of course a ledger is made up from the day-books and journals, and do you think it would be good book-keeping to make "lots" of erasures and alterations, as you expressed it, in the ledgers ?
A. I should not call it good book-keeping. I would not employ a book-keeper who did much of it.

On the same point let us read from Mr. Gentry's testimony, page 174 :

John W. Gentry sworn and examined.
By the Chairman: Q. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury ?
A. I have.
Q. You selected one of the number that you have examined as an example of all that you examined ?
A. I did of those mentioned in this statement.
Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined ?
A. It is.

He had examined nine ledgers ; three from the Register's office and six from the office of the Secretary of the Treasury. In all he found 2,527 erasures and apparent alterations, and these changes involved amounts ranging up to twenty million dollars. These books are the great ledgers of the Treasury Department. The erasures in the day books and journals were so numerous that they were not computed. Major Power, the chief clerk, testifies that no scratch should appear on the ledgers. Mr. Saville, another clerk at the head of a Bureau, says he would not etain a book-keeper who made changes on the ledgers. Yet there are thousands on the books, and no one can tell who made them or why.

On the subject of

LEAVES CUT OUT

of the books, William Woodville says:

Q. Do you know of any leaves being entirely out of the books, that appeared to have been cut out?
A. Yes, sir. In the beginning of the war some of the Treasurer's accounts are that way, about 1861 and 1862.
Q. In how many instances?
A. Two—four leaves in one case, and five in the other. I can produce the books if you wish.

This shows that not only changes, etc., in amounts have been made, but that entire leaves are out of books and cannot be accounted for—no one can tell what amounts they affected, why the leaves were cut out, or what became of them—it has not been explained.

The minority report admits the above and says:

Numerous alterations and erasures upon the books of the Secretary, Treasurer, and Register were discovered, and in some instances entire leaves were found to be cut or torn from some of the books.

Major Power testifies that to examine the debt statement carefully to find errors, if any, for a year during the late war, would require four or five clerks a year. On the same page we find the following:

Q. Going into the warrants and transactions of the government to show whether or not there were errors in the accounts?
A. To not go beyond the stated accounts as stated and certified by the Comptrollers, it would not be a task of much difficulty. It would take four or five years.
Q. For how many clerks?
A. With a corps of seven or eight clerks.

Thus it appears that this experienced officer of the Treasury Department testifies that it would take seven or eight clerks four or five years to examine carefully the accounts of the government between 1860 and 1870. Notwithstanding this the testimony is that a new and inexperienced clerk examined the books from 1833 to 1870 in four or five months, and upon that examination wholesale changes were made. Mr. Bayley, a clerk in Treasury Department, testified that he was a new clerk, and the first work he did in the department was to make up statements.

THE SECRETARY VIOLATES THE LAW.

In chapter 6, section 313 of the Revised Statutes it is provided that the Register of the Treasury shall be the official book-keeper of the Treasury Department. The testimony taken by the committee, which was altogether that of treasury officials, was all to the effect that sixty days was enough time to close and correctly state all accounts, yet many alterations have been made after accounts had not only been closed, but had years before been reported to Congress. In 1871 the books of the department were the most subjected to forced entries and balances. The Register of the Treasury was the official book-keeper yet in 1871 the public debt was increased a quarter of a million and the official book-keeper was compelled to yield his official statement of the debt. Here is how it was done:

Register Scofield, on page 5 of the testimony, was asked the following questions, to which he gave the answers stated:

Q. You speak of an order from the Secretary to the then Register, who I believe was Mr. Allison, to make the changes you have referred to in this debt statement. Will you give the committee that order? A. Yes, sir; this is the original order, and I will hand you a copy.

Q. Read us the original. A. I will.

"TREASURY DEPARTMENT, November 24, 1871.

"*Sir:* I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the finance report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page 25 of the same report for the same year.

"This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

"The table found on page 25 is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

"Very respectfully, "J. H. SAVILLE, Chief Clerk.

"HON. JOHN ALLISON, Register of the Treasury."

This letter is indorsed: "Secretary of the Treasury; chief clerk; 24,171. Asks statement of the public debt may be made to correspond with statement made in Secretary's office. Memorandum. As published for the fiscal year ending June 30th, 1871, the statement is the same as the Secretary's.

George S. Boutwell, of Massachusetts, was the Secretary of the Treasury who ordered these changes. As soon as Boutwell came into the office, in 1869, he began his peculiar manipulations of the accounts of the government finances.

Major Power tells us that the Secretary and Register, previous to 1870, agreed as to the amount of the public debt and the receipts and expenditures, and that they substantially agree since 1871; and that the changes and alterations took place between 1869 and 1871; and that there were none before and have been none since. He was asked:

Q. Do I understand that you could not make a correct debt statement commencing with 1833 and coming to 1870 by issues and redemptions? A. I could do it.

Q. Would it be correct? A. It would be correct.

This shows that the present chief clerk of the Treasury Department thinks that a correct statement of the public debt could be made up from issues and redemptions. If so, why in 1870 introduce a new system which changed and increased the public debt and the expenditures? There must have been a cause for it. Let those who made the changes explain.

Before 1869 the

PACIFIC RAILROAD INDEBTEDNESS

was a part of the regular statements of the public debt. After that it was dropped out.

This shows two important facts: First, up to and including 1869 what is known as the Pacific Railroad debt, amounting to about $58,000,000, was included in the debt statement of the Secretary, but was dropped out in 1869. Second, if it had been included, instead of the Secretary's statement of 1870 increasing the debt $94,000,000, the increase would have been $151,000,000.

Major Power testifying regarding the issuance of bonds says:

Q. An order comes from the treasurer's office to the loan branch of the secretary's office to issue a bond for $1,000; the loan division directs a two-thousand-dollar bond to be issued instead of one-thousand-dollar bond, which the treasurer directed to be ordered. That order goes to the register. I understand. The register issues a two-thousand-dollar bond, and it comes back to the same office that ordered it for the seal; that office puts the seal on it and the bond then goes back to the register for delivery?

A. That is the practice.

Q. Then there is no check outside of that particular office as to whether or not the bond was a one-thousand-dollar or a two-thousand-dollar bond?

A. I believe not.

William Fletcher, chief of the loan division, and Treasurer Gilfillan, each agrees with Major Power, that there is little or no check on the loan division in issuing bonds.

The bonds ought to be sent to the treasurer to see if the money received agrees with the amount named in the bond. The minority report of the Senate committee says:

The present method of handling securities of the goverment, including notes, bonds, and stamps, would be greatly improved by having all securities pass through the office of the register.

It does not require any evidence of the officials, which in itself is conclusive to show every citizen that no one really knows the true state of the government's finances. Forced balances have been made amounting according to the official records to over $300,000,000.

THE FICTITIOUS WARRANTS

for these amounts, the chief of the warrant division testifies, are not on file. Many of them were no doubt merely drawn up as part of the formula by which balances were forced, but why should they disappear from the archives of the treasury? If all this vast sum was merely figures used to balance the books, why not keep the warrants? If all was not for this purpose, some of the warrants would be interesting reading. So it is that the people are in utter darkness as to the financial condition of their country, and will continue to be so until a new set of men can examine the books and learn the truth.

WAR CLAIMS.

THE REPUBLICAN CRY AGAINST SO-CALLED REBEL CLAIMS.

The charge has been made by leading Republicans in Congress, and echoed by Republican newspapers, that the Democratic party proposes to pay all of the so-called Southern claims. A deluge of claims for losses incurrred by the Confederates during the war, it is asserted, will pour in upon Congress and that body will empty the Treasury and bankrupt the country by appropriating the money necessary to pay them. By careful figuring they demonstrate that the payment of these imaginary claims will wreck the financial and industrial interests of the North, and that the South itself will go down in the common bankruptcy and ruin that will follow this wild extravagance.

Just why a Democratic Congress, and a Democratic chief magistrate should wish to ruin and destroy the industries of the people, these alarmists do not explain.

In the catalogue of these imaginary claims which the Republicans assert will be settled by a Democratic Congress are claims for all the slaves that were emancipated during the war, and for all losses incurred in aid of the rebellion by the Confederate states and the people of the South.

To show that there is neither sense nor sincerity in this vulgar clamor, it is only necessary to say, what is known to every intelligent man in the Republic, that *all of these claims are forever barred by the Constitution of the United States.* No man of any party, in any section of the country, desires to see them paid. They are *impossible* claims, without a single living "claimant" foolish enough to press them, and without a forum in which a single one of them can be adjudicated.

The fourth clause of the Fourteenth Amendment to the Constitution of the United States is in the following words:

> SEC. IV. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.
>
> BUT NEITHER THE UNITED STATES NOR ANY STATE SHALL ASSUME OR PAY ANY DEBT OR OBLIGATION INCURRED IN AID OF INSURRECTION OR REBELLION AGAINST THE UNITED STATES, OR ANY CLAIM FOR THE LOSS OR EMANCIPATION OF ANY SLAVE; BUT ALL SUCH DEBTS, OBLIGATIONS AND CLAIMS SHALL BE HELD ILLEGAL AND VOID.

By this amendment to the Constitution all such claims are removed from the domain of discussion, and any attempt to agitate the question of their possible payment becomes the trade of the demagogue alone.

CLAIMS OF "LOYAL CITIZENS" NOT BARRED BY THE CONSTITUTION.

By various acts of Congress several classes of claims have been legalized, and enormous sums have been paid. But all the claims that have ever been paid to citizens of the Southern states since the close of the late war *were paid under laws enacted by Republican Congresses,* and under decisions of courts created by Republican legislation. The Democratic party has always opposed the settlement of these claims incurred by citizens of the Southern states as incident to the war. Even the "Confederate brigadiers" have joined heartily with the Northern

Democrats in Congress in resisting any further demands upon the Treasury for these war losses. A reference to public statutes and the records of Congress and the departments will show the relative positions of the two great parties on this subject.

COMMISSIONERS OF CLAIMS (KNOWN AS SOUTHERN CLAIMS COMMISSION).

This tribunal, consisting of three commissioners, appointed by General Grant, President, by and with the advice and consent of the Senate, was created and established by sections 2 to 6 of the Army Appropriation Act of March 3, 1871 (Stat. at L., vol. 16, p. 524). Its jurisdiction over persons extends to all citizens of the United States who, during the war of the rebellion, were loyal adherents to the cause and the government of the United States.

The subject matters of its jurisdiction, as defined in the organic act, are claims for stores or supplies taken or furnished for the use of the army of the United States in states proclaimed as in insurrection, and claims for the use and loss of vessels or boats while employed in the military service of the United States in states proclaimed as in insurrection.

By a subsequent act of May 11, 1872 (vol. 17, p. 97), the jurisdiction was extended to claims for stores or supplies taken or furnished for the use of the navy of the United States in states proclaimed as in insurrection.

The organic act provided that all claims within the act and not presented to this tribunal shall be barred; and this provision was construed by the then Attorney-General to divest the quartermaster general, the commissary-general, and the accounting officers of the Treasury of the jurisdiction conferred upon them over claims for quartermaster stores and for subsistence from the state of Tennesee, and the counties of Berkeley and Jefferson, West Virginia, by the joint resolutions of June 18, 1866, and July 28, 1866, respectively (vol. 14, pp. 360 and 370).

But by an act approved April 20, 1871 (vol. 17, p. 12), it was provided that the jurisdiction of those officers over such claims from Tennessee and West Virginia, and over claims for steamboats and other vessels, should not be withdrawn or impaired by any construction of the act creating Commissioners of Claims ; and so the law has remained to the present day. It follows, then, that the jurisdiction over claims of loyal citizens for the use or loss of vessels in insurrectionary waters, or for quartermaster or commissary stores taken or furnished in the state of Tennesseee or the counties of Berkeley or Jefferson aforesaid, is concurrent.

The duration or term of the commission, under the act of March 3, 1871, was fixed at two years ; and all claims within its jurisdiction were required to be presented within that time. But the term was extended four years by the Act of March 3, 1873 (vol. 17, p. 577), and again for two years by the Act of March 3, 1877 (vol. 19, p. 404).

The first of these acts prohibited the receipt of any new claims, and the last prohibited the admission of evidence in support of any claim after March 10, 1878, except in rebuttal of evidence introduced in behalf of the government.

AMOUNTS ALLOWED BY THE SOUTHERN CLAIMS COMMISSION.

1st.	Report	42d	Congress,	2d	Session,	H. R.	Mis.	Doc.	No.	16	$344,168.20
2d.	"	42d	"	3d	"	"	"	"	"	12	806,699.31
3d.	"	43d	"	1st	"	"	"	"	"	23	643,713.04
4th.	"	43d	"	2d	"	"	"	"	"	18	770,711.37
5th.	"	44th	"	1st	"	"	"	"	"	30	492,602.17
5th. (2d. pt.)		44th	"	1st	"	"	"	"	"	30	39,908.33
6th.	"	44th	"	2d	"	"	"	"	"	4	474,632.45
7th.	"	45th	"	2d	"	"	"	"	"	4	434,638.48
8th.	"	45th	"	3d	"	"	"	"	"	6	287,628.44
9th.	"	46th	"	2d	"	"	"	"	"	10	241,611.22
											$4,536,313.01

REPUBLICAN SLANDERS REPUTED.

Mr. Davis, of North Carolina, in a speech made May 29th, 1878, in the House said :

The gentleman from Indiana [Mr. Hanna] in his speech commenting upon war claims, said: "Ever since the suppression of the rebellion the persistence with which this class of claims has been pressed upon the attention of Congress has furnished well-grounded and grave fears in the mind of the people that it is the determined purpose of the Democratic party in the event of ascendancy to compel the government to assume and pay all losses and damages resulting from the prosecution of the war in defense of our nationality. Each succeeding year furnishes cumulative evidence in support of the truth of the charge that such is the well-settled purpose of those who control the action of that party. For a time the approaches to the treasury were cautious, guarded, gradual, and well calculated to deceive the unsuspecting."

Now, sir, this is a broad and unqualified statement from the gentleman from Indiana. He then says:

"I have carefully examined thirty-seven hundred and ten of the bills introduced, and the abstract of the character stated of those referred to the Committee on War Claims I will, by leave of the House, print as part of my remarks :"

And the list is published, headed :

Abstract of War-Claim Bills introduced in the Forty-fifth Congress.

I have taken pains to count the list, and I find the number to be six hundred and thirty-one. To make this terrible array of long columns—six pages of the *Record*—I find that bill No. 415, introduced by my friend from Tennessee [Mr. Dibrell], has been repeated just fifty-four times ; bill No. 582, by the gentleman from Missouri [Mr. Crittenden], four times; No. 878, by Mr. House, twenty-four times; No. 955, by my friend Mr. Vance, eight times; No. 1025, by Mr. Turner, six times; No. 1030, by Mr. Carlisle, twenty-nine times; No. 1049, by Mr. Atkins, forty-nine times; No. 1722, by Mr. Giddings, nineteen times; No. 2568, by Mr. Williams, eight times; and No. 2780, by Mr. Carlisle, seventeen times.

Of course I will not do the gentleman the injustice to charge that this was done for the purpose of misleading anybody, but it does make the array look imposing, and then, too, it shows how careful was the "examination." But it so happens, as I am informed by my friend from Kentucky [Mr. Caldwell], that bill 1049, introduced by Mr. Atkins, and which is divided by the gentleman from Indiana [Mr. Hanna], into forty-nine parts, was reported back to the House from the Committee on War Claims; and the same bill, appropriating $24,257.31, is charged again in the list to Mr. Caldwell, thus not only doubling the number many times, but doubling the amount. Now it seems to me that a little careful examination would have sufficed to show not only that Mr. Caldwell was reporting a substitute, but that the names of the parties were the same. How many more errors there are in the gentleman's "carefully prepared statement" I am unable to say, but I have added up the figures and I find the whole to amount to $5,000,107.06. One would infer naturally from the gentleman's speech that all those were Southern war claims—"rebel claims." * *

I have already shown the means—I will not say the disingenuous means—by which these claims have been magnified ; but that is not the worst of it. I have taken some pains to analyze the character of these claims, not as carefully perhaps as did the gentleman from Indiana and others on that side of the House, but still with sufficient care to find out some things that were strangely overlooked by them in their "careful" examinations. I find, in the first place, that only $2.573,028.69 of the claims in the gentleman's schedule are from the late Confederate States. I find that ten of his bills are for loyal churches, seven of them in loyal states; one of the bills is for a loyal temperance society in a loyal state; two for loyal academies in loyal states; one for Touro almshouse in Louisiana (possibly this may have been some disloyal charity, I do not know how this is); one for the loyal state of West Virginia; one for an agricultural association in Kentucky.

Now, let us take a running review of the gentleman's list of war claims which are going to bankrupt the treasury. Here it is. [Holding it up.]

To begin with, the very first we find on the list is a claim from the loyal state of Connecticut for $8,655, first introduced into the Republican Forty-third Congress by Mr. Kellogg, a Republican ; and next on the list is a claim for $5,000 from the state of New Jersey. The next comes from Tennessee ; there is not a claimant from that state who is not a loyal man. Then there is a claim from Pennsylvania—the state from which our Speaker comes. Then comes New York ; and then Maryland, with twenty-two claims, all in a bunch, and, as I learn from my friend from Maryland [Mr. Walsh], they are all the claims of loyal men. Then comes Virginia. Then comes North Carolina, which is a little claim, but North Carolina has been very modest in this respect. Then Ohio comes for one-fourth of a steamboat. Then comes Pennsylvania for $22,927 ; and then the loyal state of Kentucky, with a long array of these claims, and the bill H. R. No. 415, which is repeated fifty-four times on the list, and that claim, as I learn from my friend [Mr. Dibrell], is for persons some of whom were soldiers and the widows of soldiers of the Union army—one of them a widow who lost her husband and two sons in the Union army.

I hold in my hand a Republican paper, the *Cincinnati Commercial*, containing a letter written from this city by a Republican, giving an account of the claims introduced by Mr. Dibrell:

Mr. Dibrell, from the third Tennessee district, many of the counties of which had more men in the Union than in the Confederate army, and which counties are Republican to-day, has introduced this session thirty or forty bills for the payment of loyal men, some of them a mere pittance of a few hundred dollars, and none for very large amounts. Yet several Republicans have made speeches this session on "Southern claims," and they have all paraded Dibrell's bills before the country as a part of the evidences of a rebel raid on the treasury. I happen to have a large acquaintance in that district and every man I know on Dibrell's list was a Union man, and stands ready to prove his Unionism. Some of them can prove it by scars on their bodies, received in the Federal service. I submit, if this is just treatment of these men.

So much for the speech of the gentleman from Indiana (Mr. Hanna). But the gentleman from Illinois (Mr. Hayes) came in with a long list of figures, and I have taken some pains to analyze his table also.

The gentleman from Illinois [Mr. Hayes] says in his speech that these claims amount to $300,000,000. And he repeats that three times.

Now, I say that is such a mistake that it ought not to have gone out from this hall. All the claims

put together, that have been introduced here by all the Representatives from the South, will not amount to anything like that. And if you put in all the appropriations for rivers and harbors and for the improvement of the Mississippi, they would not altogether make three hundred millions, nor one-tenth of it.

The bills reported favorably by the Republican Committee on War Claims at the first session of the Forty-third Congress were one hundred and eight, amounting to $5,912,790. The number reported favorably at the first session of the Forty-fourth Congress by a Democratic committee was fifty-one, and the amount $215,361. These facts ought to show our Northern friends that the treasury is much safer in Democratic than in Republican hands.

At my request, Mr. Smith, the excellent and efficient clerk to the Committee on Claims, has prepared a statement of the claims referred to that committee. I will not repeat the details, for, without doubling it would make a list nearly as large as that of the gentleman from Indiana (Mr. Hanna); but I can, with perfect safety, vouch for the accuracy of Mr. Smith, and I give the result as follows: Whole amount of claims, $5.373.731.23, of which $4,069,527 are from the North, and only $1,304,203.31 are from the Southern states. The states of Missouri, Kentucky, Maryland and this District are included in the Southern states.

I am also indebted to my friend Mr. Smith for a statement showing that in the Forty-second (Republican) Congress, bills were passed allowing claims to the amount of $2,498,172.35, while the Forty-fourth (Democratic) Congress, passed only $1,378,267.43, making $1,119,904.93 more passed by the Forty-second (Republican) Congress than by the Forty-fourth (Democratic) Congress. This included claims from the Court of Claims, the Southern Claims Commissioners, and the Commissary and Quartermaster-General's departments. The whole amount of claims allowed other than those, by the Forty-second Congress, was $989,550.68, of which $860,014.05 were from the North, and only $1,129,536.44, or less than one-sixth, were from the South. Of the amount appropriated by that Congress, $62,019.15 were allowed for embezzlements of subordinates in the pay of the government, that is to make good money stolen.

A similar statement for the Forty-third (Republican) Congress shows whole amount of private claims allowed was $2,541,238.65, and by the Forty-fourth (Democratic) Congress, $1,566,282.42, making a difference of $974,956.23.

But that is not all; deducting the claims from the Court of Claims, the Southern Claims Commissioners, and the Commissary-General and Quartermaster-General's departments and the Forty-third Republican Congress paid claims to the North—

Amounting to	$818,088 65
To the South amounting to	90,514 34
Excess to North over South	$727.574 31

That is more than nine to one. But that is is not the worst. The Forty-third Congress passed bills to the amount of $247,968.28 to make good losses by the defalcations and embezzlements of subordinates for the relief of various officers. That is, leaving out the claims from the Court of Claims, Southern Claims Commissioners, and Commissary and Quartermaster-Generals' departments, the Forty-third Congress paid to

Relieve officers for defalcations and embezzlement	$247,968 28
For South	90,514 34
	$157,453 94

That is, if you exclude loyal claims, the Forty-third Congress allowed and paid (for it has all been paid) more money to make good such defaults as are contained in the extract below from Senate Report No. 236, Forty-fifth Congress, second session, than was paid to all the South. The report refers to bills to relieve officers for defaults (that is, the stealing) of deputies, etc.

Mr. Eden, of Illinois: In reply to what has been stated in reference to the number of claims pending before the Committee on War Claims, I wish to state that in the Forty-third Congress there were reported by that committee private claims to the amount of $396,891.63; for the Quartermaster-General, Commissary-General of Subsistence, and Commissioner of Claims, $1.561.711.76; making the total amount reported, $1,959.603.39. That was a Congress in which our Republican friends had control, and there was a larger number of claims before the Committee on War Claims than there was in the Forty-fourth Congress when the Democrats had control. I will state further that in the Forty-fourth Congress the amount of private claims reported amounted to $188,015.30. and the Quartermaster and Commissary-Generals' and Commissioner of Claims, $943,713, the total amount reported being $1,131,828.30. The war claims reported favorably by the Republican committee of the Forty-third Congress exceeds the amount reported by the Democratic committee of the Forty-fourth Congress over $800,000!

Mr. Lockwood, of New York: Mr. Speaker, I think it cannot be denied that every law or decision of the courts under and by virtue of which Southern claims have been paid, and under which payment is now claimed, was originated and enacted by a Republican Congress and interpreted by a Republican judiciary, all the offices of the government since the close of the war prior to the Forty-fourth Congress, legislative and executive, having been held by the Republican party. In addition to passing all laws under which payment could be made, we find that the Republican party, prior to 1876, had actually paid of the Southern claims more than $100,000,000.

And it would also appear that the Republican party believed in paying all these claims. I quote from a speech delivered in the Senate of the United States by the late Senator Morton, a leader of his party:

"Can we afford to make any other rule on this subject? We might save some money by making another rule: but in the end it would be penny-wise and pound-foolish economy. After having expended some $5,000,000,000 to keep the South in the Union, and after all our labors to build up a loyal party down there, shall we come here making shipwreck in the end by declaring upon the floor of the Senate that the loyal men, whose hardships and sufferings we can never estimate, shall be treated as public enemies, and that we will not pay them under the same circumstances under which we would pay a man for the taking of like property in the North? I can never consent to it."

The bills reported from the Committee on War Claims at the first session of the Forty-third Congress amounted to the sum of $5,912,790. That was a Republican Congress. The same committee of the Forty-fourth Congress, the first Democratic Congress, at the first session, reported bills favorably to the amount of $215,361. The present Congress has not paid to exceed $5,000 of Southern claims, and payment in these cases was urged by the Republican side of the House. The test case of the present Congress was the bill for the relief of William and Mary College, of Virginia. The ablest speech made in favor of its payment was by a Republican from Massachusetts, and the leading speech against it by a Democrat from Wisconsin, and, strange to say, this case, which has provoked so much debate at this session of Congress and which has acquired such newspaper notoriety, was passed without serious opposition by the Republican House of the Forty-second Congress.

The Southern Claims Commission was established by a Republican Congress, and for the purpose of allowing and providing a way to pay, as its name indicates, Southern claims.

These facts speak for themselves. Let the people who must pay the taxes judge. For myself, I care not which party advocates the payment of Southern claims; so long as my voice or vote can prevent their payment in the committee-room or in the House, I shall continue to oppose them. They are of the past, and they should be permitted to remain as an inheritance and warning to evil-doers.

Senator Hill, speaking on the subject of war claims, said: But, Mr. President, I vote against this bill, because, in my judgment, it is what we call *par excellence*, a war claim, and I am against the payment of all war claims, * * * unless it be perhaps some few exceptions in favor of religious, educational, and charitable institutions; and there are very few even of that character that I will except. I vote against their payment upon principle. I have considered this question very carefully, and for a long time, and to-day is the first occasion I have expressed publicly my views upon the subject, because I did not desire to express them until after careful consideration of the question.

Now, why do I vote against this claim? It is, as I have said, emphatically a war claim; that is, it is a claim for compensation by reason of losses incurred during the war and by act of war. My first reason for not voting for it is that we cannot pay all of this kind of claims. They would bankrupt the government. It is impossible that the government should be expected to pay all these claims and claims standing on as good footing as this in every respect.

I think, sir, all parties ought to take this position. It is a little painful to me to see gentlemen of one party seeking to make political capital out of cases of this kind, and the other side protesting that it is not right. Why not agree to take some common position, that these war losses cannot be paid? The government is not able to pay them; the government ought not to pay them, in view of their peculiar character and the circumstances of the war, and the sooner the people are taught that, the better, and let these constant irritations about the payment of war losses cease. As I said, I might make a few exceptions in favor of religious, educational, or charitable institutions, but I should make very few of that sort. Where the property destroyed was of such a character as to be of great public importance and great public benefit, not only to one section of the country, but to all sections of the country, I should think it would be legitimate and proper as a public benefit to pay that kind of loss. There are, I think, perhaps a few cases of that kind, but put them altogether, so far as my knowledge extends, they would not exceed half a million of dollars.

Mr. President, I am the humblest man in the Democratic party. That party, after eighteen years of absence, I trust and believe, is about to return full-fledged to power. I think it will have possession of every department of this government. It certainly will have it if we convince the people North and South that we deserve to have it; for evidently the people are well satisfied that the Republican party does not deserve to be continued in power, and the only question with the people is whether the Democratic party does deserve to be intrusted with power. If I had control of the party, as I have not, and shall never have, if my voice were worth anything, there are four things I would have the Democratic party to proclaim to the world in most convincing terms and adhere to with unflinching fidelity. I would have the party to say:

1. We will not pay war losses, loyal or disloyal, unless we make a few exceptions of religious, educational and charitable institutions, and very few of these.
2. We will vote no more of the public money and no more of the public credit, and no more of the public lands to build up or enrich mammoth monopolies in the shape of railroad corporations.
3. We will in good faith pay every dollar of the public debt, principal and interest, in good money of the standard value.
4. We will restore the Constitution to the country and honesty and economy to its administration, confining the general government to its limited, delegated sovereign powers to promote the general welfare, and leaving the states unmolested in the exercise of their reserved sovereign powers to promote the local welfare of the people.

Do these four things, and, in my judgment, the child is not born who will witness the termination of Democratic administration in this country, and the tongue has not been gifted with language that can express the prosperity which will follow to all our people in every section of our country.

PRIVATE CLAIMS AGAINST THE GOVERNMENT.

Mr. Potter, from the Committee on Reform in the Civil Service, submitted the following report, May 18, 1878 :

By the theory of government the sovereign was regarded as the source of all power. He could not, therefore be liable to his subjects ; for redress, he could be petitioned, but not compelled ; and, as he could do no wrong, every petitioner might expect to have his claim justly considered.

Accordingly, when our fathers framed this government, they made no provision for suits against it. They provided in the fundamental law that the right of petition should never be abridged, and declared that the government was formed to maintain justice ; but they left those who had claims upon it to petition it for redress. From the beginning, therefore, Congress proceeded to consider the private claims upon the government addressed to it, to satisfy itself of their merits, and dispose of them in its absolute discretion. In those days, with few members and little business, an intelligent consideration of such claims was not impossible ; but as population and wealth and industries increased, the private claims addressed to Congress rose to a number and importance which made intelligent consideration of them by Congress impossible.

From the nature of things no tribunal can be less fitted to examine and decide upon private claims than the Congress. The organization of the body requires that the consideration of such claims must be first had in committee. The pressure of business is now so great that the claims before the committees are generally allotted for examination to subcommittees of one, or two, or three members. Claimants, therefore, naturally begin by seeking first a favorable committee to which to refer their claims, and next for a favorable selection from that committee to consider them. Evidence is then offered in the form of statements or of *ex parte* affidavits. There is no answer, usually no personal appearance of witnesses, no cross-examination, no opposing testimony, no inquiry by nor appearance on the part of the government, no general publicity, no check against fraud, and no prescribed rules and regulations for the investigation. Many of the claims are impressed with a sectional or party character especially calculated to exclude all judicial fairness in their consideration.

The evil resulting from the consideration of private claims by Congress, and the injustice and delay done to honest claimants were early observed.

Sensible of how illy fitted such a body was to maintain the justice for which the government was established, and moved by the example of other civilized nations that had established judicial tribunals to determine the claims of their subjects upon the government, Congress in 1855 established a court to take the evidence in respect of all that class of claims that arose out of contract, or were based upon positive law, and to report to Congress the facts found and its recommendation as to the disposition to be made of the cases so heard. Subsequently, in 1863, the jurisdiction of this court of claims was so extended as to authorize it to give judgment in the cases heard by it.

But there still remain large classes of claimants of whose claims no court has jurisdiction. Many of these claims are addressed to the legislative discretion of Congress, a discretion which cannot be relegated to any court, such as claims falling within the principles but not the terms of existing laws.

How numerous these cases have become may be seen from the fact that of late years the number of private bills alone belonging to the exceptional classes, relief for which rests in the discretion of Congress, amount in a session of Congress to about 2,500, or about five for each day Congress is in session.

From the nature of these exceptional claims, their final determination must remain with the Congress to whose discretion they are addressed. All that can be done in such cases is therefore to secure a judicial ascertainment of the facts involved. But to do that will be in a very great degree to cure existing evils. When the facts are fairly and judicially ascertained, and an impartial court has given its opinion as to the merits of each claim, we may expect the action of Congress to be as speedy, as uniform, and as reasonable as practicable.

It is intended by this bill to provide for the judicial ascertainment of the facts involved in every *private* claim for which no judicial tribunal has been afforded, and to *prohibit* the consideration by Congress of any *private* claim until the facts involved in it have been so determined. That is, to substitute a court, ascertaining the facts by judicial methods, and reporting the same to Congress with its recommendation in each case, for and in the place of, the committee to whom the examination of such claims is now referred. All the court could judicially ascertain in such cases would be what loss the claimant had sustained by the war, and the circumstances of the loss ; and whether he was loyal. It would be for Congress then to decide if any case of that class should be paid at all. *But if such claims are to be paid at all*, such a determination of the facts about them would largely reduce the present chance of imposition, deception and mistake ; would expedite the worthy and prevent the allowance to unworthy claimants.

The following bill—H. R. 5214—is the substitute for the original bill, reported by the committee.

An act providing for the judicial ascertainment of claims against the United States.

Be it enacted, etc., that any person who may have a claim against the United States of which the Court of Claims would not now have jurisdiction, but founded upon equity and justice, and not bound by any statute of limitations provided by any law of the United States, may file his bill in the Court of Claims of the United States, setting out the grounds of his claim and the relief desired by him; and the Attorney-General of the United States shall appear and plead thereto as provided for in other cases.

Section 2. Any issue of fact joined upon such bill may be tried by the court as now provided for cases of which it has jurisdiction.

Section 3. The court shall find the facts appearing from the testimony before them in each case, and shall report their findings to Congress, with their opinion as to the determination that should be made of such claim.

Section 4. Congress shall not consider nor allow nor authorize the payment of any private claim not payable under existing laws until the same has been heard and reported to Congress by said Court of Claims, as herein provided.

Section 5. All claims against the United States provided for by this act not prosecuted within six years from the passage of this act, or of the time when the same severally accrued, shall be barred, except that when the claimants are under legal disability to sue, the action must be brought within said six years, or within three years after such disability shall cease.

Mr. Potter moved that the rules be suspended so as to enable him to report from the Committee on Reform in the civil service, as a substitute for the bill of the House (H. R. 4277) providing for a judicial ascertainment of claims against the United States, a bill of the same title (see above bill), and enable the House to pass the same, and the question being put, viz.:

Shall the rules be suspended? It was decided in the affirmative, two-thirds voting in favor thereof—yeas 168, nays 75, not voting 48—the yeas and nays being desired by one-fifth of the members present. Those who voted in the affirmative are Democrats in italics·

Mr. J. H. Acklen; *D. Wyatt Aiken*; *J. D. C. Atkins*; William J. Bacon: George A. Bagley; *Henry B. Banning*; Hiram P. Bell; *George A. Bicknell*; Horatio Bisbee, Jr.; *Jos. C. S. Blackburn*; *Archibald M. Bliss*; *James H. Blount*; *Andrew R. Boone*; Thomas A. Boyd; *Samuel A. Bridges*; *John M. Bright*; Curtis H. Brogden; *George C. Cabell*; *John W. Caldwell*; Jacob M. Campbell; *Milton A. Candler*; Lucien B. Caswell: *J. R. Chalmers*; *Alvah A. Clark*; John B. Clark; *John B. Clarke, Jr.*; Rush Clark; *Heister Clymer*; *Thomas R. Cobb*; *Philip Cook*; *James W. Covert*; Jacob D. Cox; *Samuel S. Cox*; William W. Crapo; *Jordan E. Cravens*; *Thomas T. Crittenden*; *D. B. Culbertson*; H. J. B. Cummings; *Augustus W. Cutler*; *Robert H. M. Davidson*; *Joseph J. Davis*; *Benjamin Dean*; *George G. Dibrell*; *H. L. Dickey*; Mark H. Dunnell; *Milton J. Durham*; Benjamin T. Eames; *John R. Eden*; *Anthony Eickhoff*; *J. B. Elam*; Russell Errett; *John H. Evins*; *Thomas Ewing*; *William H. Felton*; *Ebenezer B. Finley*; *William H. Forney*; Charles Foster; *Benjamin J. Franklin*; Benoni S. Fuller; James A. Garfield; *William W. Garth*; *Lucien C. Gause*; *Randall L. Gibson*; *D. C. Giddings*; *John Goode*; Eugene Hale; *Andrew H. Hamilton*; *Augustus H. Hardenbergh*; Henry R. Harris; *John T. Harris*; *Carter H. Harrison*; *E. Kirke Hart*; *Julian Hartridge*; *William Hartzell*; Thomas J. Henderson; *Eli J. Henckle*; *Daniel M. Henry*; *Abram S. Hewitt*; *Goldsmith W. Hewett*; *Hilary A. Herbert*; *Charles E. Hooker*; *J. F. House*; *Eppa Hunton*; H. L. Humphrey; J. N. Hungerford; Anthony Ittner; A. B. James; *Frank Jones*; *J. T. Jones*; J. S. Jones; Joseph Jorgenson; *John E. Kenna*; *William Kimmel*; *J. Proctor Knott*; William Lathrop; *Robert F. Leighton*; S. D. Lindsay; *D. N. Lockwood*; *J. K. Luttrell*; *W. Pitt Lynde*; *L. A. Mackey*; *Levi Maish*; *V. H. Manning*; *S. L. Mayham*; A. G. McCook; *J. A. McKenzie*; *J. A. McMahon*; *Roger Q. Mills*; James Monroe; *C. H. Morgan*; *W. R. Morrison*; *Leopold Morse*; *H. L. Muldrow*; *Nicholas Muller*; Addison Oliver; Charles O'Neill; *T. M. Patterson*; *James Phelps*; *C. N. Potter*; T. C. Pound; *A. L. Pridemore*; J. H. Randolph; *David Rea*; *John H. Reagan*; Thomas B. Reed; *James B. Reilly*; *A. V. Rice*; *H. Y. Riddle*; *W. M. Robins*; *C. B. Roberts*; G. D. Robinson; *Miles Ross*; *Milton Sayler*; *A. M. Scales*; *G. Schleicher*; *L. Sexton*; *C.M. Shelley*; *O. R. Singleton*; Robert Smalls; *W. E. Smith*; *M. I. Southard*; *W. A. J. Sparks*; *W. M. Springer*; *W. L. Steele*; *W. S. Stenger*; *A. H. Stevens*; H. B. Straight; J. M. Thompson; *J. W. Throckmorton*; *R. W. Townshend*; *J. R. Tucker*; *Thomas Turner*; *Jacob Turney*; *R. B. Vance*; *W. D. Veeder*; *A. M. Waddell*; J. T. Wait; *G. C. Walker*; *Levi Warner*; *W. C. Whitthorne*; *P. D. Wigginton*; *A. S. Williams*; C. G. Williams; James Williams; Richard Williams; *Albert S. Willis*; *Benjamin Wilson*; *Casey Young*.

Those who voted in the negative are Mr. William Aldrich; Mr. William H. Beeken; Mr. H. W. Blair; John H. Baker; N. P. Banks; Gabriel Bouck; *E. S. Bragg*; L. Brentum; M. S. Brewer; James F. Briggs; T. M. Browne; Solomon Bundy; T. W. Burdick; B. F. Butler; W. H. Calkins; J. G. Cannon: William Claflin: Nathan Cole: O. D. Conger; Lorenzo Danford; Horace Davis; N. C. Deering; D. C. Dennison; J. W. Dwight; C. C. Elsworth; J. U. Evans; J. L. Evans; C. Freeman; W. P. Frey; Mills Gardner; John Hanna; A. C. Harmer; D. C. Haskell; P. C. Hayes; G. C. Hazelton; G. W. Hende; J. Hiscock; J. A. Hubbell; M. C. Hunter; E. W. Keightley; W. D. Kelley; J. H. Ketcham; E. G. Lapham; G. B. Loring; B. F. Marsh: J.H. McGowan; W. McKinley, Jr.; J. I. Mitchell; H S. Neal; E. Overton, Jr.; H. F. Page; G. W. Patterson; T. B. Peddie; W. A. Phillips; H. Mc. Pollard; L. Powers; W. W. Rice; Thomas Ryan; E. S. Sampson; W. F. Sapp; W. S. Shallenberger; C. H. Sinnickson; A. Herr Smith; J. H. Starin; J. H. Stewart; J. W. Stone: J. C. Stone; Amos Townsend; M. L. Townsend; William Ward; Frank Welsh; M. D. White; Andrew Williams: *B. A. Willis*; Thomas Wren.

Those not voting are Mr. L. W. Ballou; T. M. Bayne: *G. M. Beebe*; *C. B. Bennedict*; *R. P. Bland*; A. H. Buckner; H. C. Burchard; R. H. Cain; W. P. Caldwell; J. H. Camp; J. G. Carlisle; I. B. Chittenden; F. D. Collins; B. B. Douglass; E. J. Ellis; G. L. Fort; J. M. Glover; T. M. Gunter; B. W. Harris; R. A. Hatcher; C. H. Joyce; J. W. Keifer; J. W. Killinger; R. M. Knapp; G. M. Landers; B. F. Martin; L. S. Metcalf; H. D. Money; Amasa Norcross; Hiram

Prince ; J. H. Pugh ; T. J. Quinn ; J. H. Rainey ; E. W. Robertson ; M. S. Robinson ; W .F. Slemmons ; Thomas Swann ? J. M. Thornburgh ; T. F. Tipton ; N. H. Van Vorhes ; William Walsh ; L. F. Watson ; Harry White ; J. N. Williams ; Edwin Willits ; Fernando Wood ; H. B. Wright ; J. J. Yeates.

So the rules were suspended and the said substitute (H. R. 5214) was passed.

Ordered, that the clerk request the concurrence of the Senate in the said bill.

[House Journal, 2d Session, 45th Congress, 1877–78, pp. 1408–9.]

WHAT THE REPUBLICAN SENATE DID.

Senate, Jan. 8, 1879.—Mr. Conkling, from the Committee on the Judiciary, to whom were referred the following bills, reported them severally, without amendment, and that *they ought not to pass.* * * * * * * * * * * * *

H. R., 5214. An act providing for the judicial ascertainment of claims against the United States.

The Senate proceeded, by unanimous consent, to consider the said bills (S. B. 510, S. B. 1148, H. R. Bill 3972 and H. R. Bill 5214), as in Committee of the Whole, and no amendment being made, they were reported to the Senate.

Ordered, That the said bills be postponed indefinitely.

[Senate Journal, 3d session, 45th Congress, 187 -79, pp. 93–94.]

CLAIMS ALLOWED AS PER SECRETARY OF THE TREASURY'S LETTER.

Dec. 31, 1874.	Secretary Bristow, 43d Congress, 2d session, Ex. Doc. No. 107.		
	Northern states	$9,720 21	
	Loyal Southern states	51,009 18	
	Southern states	50,570 02	
			$111,299 41
Jan. 6, 1876.	Secretary Bristow, 44th Congress, 1st session, Ex. Doc. No. 64.		
	Northern states	$12,386 66	
	Loyal Southern states	72,971 77	
	Southern states	73,189 67	
			$158,548 10
Jan. 24, 1877.	Secretary Morrill, 44th Congress, 2d session, Ex. Doc. No. 35.		
	Northern states	$1,758 62	
	Loyal Southern states	85,026 67	
	Southern states	102,576 82	
			$189,362 11
Jan. 14, 1878.	Secretary Sherman, 45th Congress, 2d session, Ex. Doc. No. 31.		
	Northern States	$11,800 13	
	Loyal Southern states	66,300 35	
	Southern states	53,305 87	
			$131,406 35
Jan. 11, 1879.	Secretary Sherman, 45th Congress, 3d session.		
	Northern states	$42,163 43	
	Loyal Southern states	92,361 85	
	Southern states	128,600 47	
			$263,125 75
Dec. 3, 1879.	Secretary Sherman, 46th Congress, 2d session, Ex. Doc. No. 14.		
	Northern states	$19,719 07	
	Loyal Southern states	42,019 89	
	Southern states	52,324 89	
			$114,063 00
	Claims allowed as per report. Total		$867,794 72

Northern States.

Dec. 31, 1874	$9,720 21	
Jan. 6, 1876	12,386 66	
Jan. 24, 1877	1,758 62	
Jan. 14, 1878	11.800 13	
Jan. 11, 1879	42,163 43	
Dec. 3, 1879	19,719 07	
		$97,548 12

Loyal Southern States.

Dec. 31, 1874	$51,009 18	
Jan. 6, 1876	72,971 77	
Jan. 24, 1877	85,026 67	
Jan. 14, 1878	66,300 35	
Jan. 11, 1879	92,361 85	
Dec. 3, 1879	42,019 89	
		409,689 71
		$507,237 83

Southern States.

Dec. 31, 1874	$50,570 02	
Jan. 6, 1876	73,189 67	
Jan. 24, 1877	102,576 82	
Jan. 14, 1878	53,305 87	
Jan. 11, 1879	128,600 47	
Dec. 8, 1879	52,324 04	
		360,566 89
		$867,794 72

STATEMENT OF THE AMOUNTS EXPENDED UNDER THE APPROPRIATIONS FOR "CLAIMS FOR QUARTERMASTER AND COMMISSARY SUPPLIES." ACT JULY 4, 1864.

STATES.	1876.	1877.	1878.	1879.	1880. To April 15.	TOTALS.
New York	....	$1,730 00	....	....	....	$1,738 00
Pennsylvania	$393 75	305 89	$1,371 33	$7,754 57	....	9,825 54
Maryland	8,972 54	25,484 70	48,570 83	37,208 91	$171 62	120,408 60
Virginia	....	....	381 12	....	....	381 12
West Virginia	4,121 90	13,628 42	45,819 81	20,517 74	....	84,087 87
North Carolina	....	396 25	....	....	....	396 25
Georgia	....	....	76 50	....	....	76 50
Alabama	....	....	100 00	....	....	100 00
Texas	....	6 00	....	430 00	....	436 00
Ohio	250 00	97 17	10,233 50	32,515 16	....	43,095 83
Indiana	125 00	200 00	1,095 00	387 00	....	1,807 00
Illinois	630 00	284 50	790 00	130 00	....	1,834 50
Kentucky	26,418 38	46,228 18	44,862 75	37,485 16	697 55	155,692 02
Tennessee	37,629 12	65,524 22	128,217 61	125,024 17	1,144 50	357,539 62
Missouri	9,217 81	8,900 84	16,481 43	17,679 97	218 25	52,498 30
Iowa	....	270 00	....	20 00	....	290 00
Kansas	3,505 65	1,359 88	937 92	....	....	5,803 45
Nebraska	....	....	....	120 00	....	120 00
Colorado	....	875 00	....	....	....	875 00
California	....	....	....	500 00	....	500 00
New Mexico	....	600 00	....	50 00	....	650 00
District of Columbia	4,085 80	7,208 97	2,834 96	175 50	....	14,305 23
	$95,349 95	$173,100 02	$301,772 76	$279,998 18	$2,231 92	$852,452 83

Register's Office, *April* 22, 1880. G. W. SCOFIELD, *Register*.

PRIVATE CLAIMS.

Statement of private claims, passed at 42d, 43d, 44th and 45th Congresses:

42d Congress, 1st sess	$56,105.64	
2d sess	611,140.19	
3d sess	766,128.10	
Total 42d Congress		$1,433,373.93
43d Congress 1st sess	$614,123.31	
2d sess	239,553.92	
Total 43d Congress		$853,677.23
Total 42d and 43d Congress		$2,287,051.16
44th Congress 1st sess	$292,050.05	
2d sess	234,489.95	
Total 44th Congress		$526,540.00
45th Congress 1st sess	$311,953.53	
2d sess	349,438.01	
3d sess	348,779.43	
Total 45th Congress		$1,010,170.97
Total 44th and 45th Congresses		$1,536,710.97

Reductions 44th and 45th Congresses (Democratic House) in amounts appropriated for private claims under amounts appropriated for private claims by the Forty-second and Forty-third Congresses (Republican in both branches), $750,340.19, being a reduction of more than 32 per cent.

THE THIRTEENTH, FOURTEENTH AND FIFTEENTH AMENDMENTS.

ARTICLE XIII.

SECTION 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2.

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male members of such state, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5.

The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.

SECTION 1.

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color or previous condition of servitude.

SECTION 2.

The Congress shall have power to enforce by appropriate legislation the provisions of this article.

THE DEMOCRATS AND THE SOLDIERS.

LEGISLATION THAT SPEAKS FOR ITSELF.

DEMOCRATIC EFFORTS FOR THE SOLDIER THWARTED BY REPUBLICANS.

The Republicans in Congress have always been loud in their professions of love for the soldier. Professions are one thing. Acts are quite another. An examination of the records of the Democratic and Republican parties on this subject shows that while the latter have been professing, the former have been acting; while the latter have been promising, the former have been fulfilling. The Democrats have not only passed private pension bills most cheerfully, but have enacted general laws whenever the mass of the soldiers were to be benefited thereby. Bills for the equalization of bounties and for arrearages of pensions have both passed Democratic houses, only to be defeated outright or contemptuously kicked aside in the Republican Senate.

In the course of a speech on this subiect in 1878, in the House of Representatives, Hon. John A. McMahon, of Ohio, truthfully said:

> The importance of these votes is more apparent when we consider that the Democratic party came here in the interest of retrenchment and reform. Have we ever cut down the pension bills? Have we ever listened to the oft repeated charge that the pension list is too large; that fraudulent claims are on it; that it should be revised? No, we prefer to err on the side of the soldier and his suffering family. We have cut everywhere else; we have retrenched in every direction but in that. We vote for no increased expenditure except for the Union soldier.

Below are a few of the measures which the Democrats have originated and passed in the interest of the soldier. In every case, where the measure was defeated, the Republican party was responsible for the defeat as the record shows. Votes against meritorious bills always came from the Republican side. If they thought they could not defeat a bill by their votes they buried it in the committee room.

EQUALIZATION OF BOUNTIES.

Frequently since the close of the war attempts have been made to equalize the bounties of soldiers. In the Forty-third Congress a bill passed the House. It went to the Senate, which was at the time overwhelmingly Republican. After remaining in committee some time it was passed, but at so late a day in the session that it was somehow lost between the two Houses. It never received the President's signature.

When the Democrats came into power in the House they immediately looked into the question. Several bills for equalization were introduced and referred to the Committee on Military Affairs. They were placed in the hands of Gen. Phil. Cook, of Georgia, who reported a bill without unnecessary delay. It was reported on March 11th, 1876. Although frequently pressed by Gen. Cook, its consideration was not reached until June 20th. Gen. Banning, of Ohio, the Chairman of the Committee on Military Affairs, made a speech, in the course of which he demonstrated the feeling of the Domocrats toward the soldiers. Gen. Banning said :

> I do not propose to make a speech or an argument on this bill. This House has frequently heretofore declared in favor of this measure. It has been promised to the soldiers since 1862, but it is left for this Congrsss to redeem the promises of gentlemen on the other side, who have been making them, and making them, and making them, but have never kept them. I believe that those promises will be redeemed to-day, and it will be done by this Congress that gentlemen have seen fit to denominate the Confederate Congress. When the news goes abroad that this Confederate Congress has rendered unto the soldier that which is his, but which the Republican party failed to give him, then I hope the cry of "Confederate Congress" will be buried forever.

The bill passed the "Confederate Congress," as it was called, by a vote of 141 to 46 (*see Cong. Record, vol.* 4, *part* 4, 1*st sess.* 44*th Cong., pp.* 3939, 3940).

The affirmative vote was as follows: Messrs. Adams, Ainsworth, Anderson, Atkins, Bagley, J. H. Bagley, Jr., Baker (Ind.), Baker (N. Y.), Ballou, Banks, Banning, Blair, Bland, Brown (Kan.), Burchard (Ill.), Burchard (Wis.), Burleigh, Campbell, Cannon, Cason, Caswell, Cate, Caulfield, Clarke (Mo.), Clymer, Cochrane, Cook, Cutler, Danford, De Bock, Dennison, Dibrell, Dollins, Dunnell, Dugand, Eames, Eden, Finley, Fort, Foster, Franklin, Freeman, Frost, Frye, Fuller, Glover, Goodin, Hamilton (Ind.), Haralson, Hartzell, Hatcher, Hayward, Hendee, Henderson, Hewitt (Ala.), Hill, Hoye, Holman, Hopkins, Hoskins, Hubbell, Hurd, Hurlburt, Hyman, Jenks, Jones (N.H.), Joyce, Kasson. Kelly, Ketcham, Kimball, Landers (Ind.), Landers (Conn.), Lawrence, Le Moyne, Levy, Lynch, Mackey (Pa.), Maish, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Monroe, Morgan, Morrison, Mutchler, Oliver, O'Neill, Page, Payne, Phillips (Mo.), Phillips (Kan.), Poppleton, Potter, Pratt, Rainey, Randall, Rea, John Reilley, Rice, Rollins (Pa.), Rollins (N. C.), Robinson, Rusk, Sampson, Savage, Sayler, Sheakley, Simonton, Smalls, Smith (Pa.), Southard, Springer; Strait, Stenger, Stone, Teese, Townsend (Pa.), Tufts, Turney, Van Vorhees, Vance (N. C.), Wait, Waldron. Walker (N. Y.), Wallace (S. C.), Wallace (Pa.), Walsh, White, Whiting, Wike, Willard, Williams (Wis.), Wilson (Ind.), Williams (Mich.), Williams (Min.), Wood (Pa.), and Yeates.

Of the gentlemen above recorded, 74, or more than one-half, were Democrats.

Gen. James A. Garfield seems to have dodged this vote. He is recorded among the absentees, and no pair is announced. The *Record* shows, however, that he was present during the day for he participated in the proceedings.

THE REPUBLICAN SENATE POSTPONES THE BILL.

The bill thus passed through the House, and was sent to the Senate. It was reported back on June 26th, and placed on the calendar. Attempts were repeatedly made to get the bill up, but without success. Whenever the motion was made to consider the subject, there was always enough votes against it to prevent action. The last attempt to take it up was made August 11th, 1876, but the motion was defeated, as usual (*see Record, Part* 6, 44*th Cong.*, 1*st sess., p.* 5434).

That was the last heard of the bill. It was indefinitely postponed, which was an indirect way of killing it.

That which the Democratic House had cheerfully passed, the Republican Senate, with all its professed love for the soldier, deliberately killed.

TIME FOR FILING BOUNTY CLAIMS EXTENDED.

The time for filing claims for additional bounty under the Act of July 28th, 1866, expired by limitation on the 30th day of January, 1875. In February, 1876, a bill was reported from a committee of the Democratic House to extend the time until the 1st day of July, 1880. The bill further provided that all claims for such bounty filed in the proper department after the 30th day of January, 1875, and before the passage of this act, should be regarded as having been filed in due time, and should be considered and decided without refiling. The bill promptly passed the House (*Record, Part* 2, 44*th Cong.*, 1*st sess., p.* 1117).

ARREARS OF PENSIONS.

In the Forty-fourth Congress a large number of bills for arrears of pensions were introduced and referred. They were placed in the hands of that gallant soldier from Ohio, General A. V. Rice. Out of all the bills referred he formulated a general bill and reported it on March 22d, 1876. At his suggestion the bill was made a special order.

HOW GARFIELD AND OTHER REPUBLICANS FOUGHT IT.

On August 1st General Rice moved to go into committee of the whole for the purpose of taking up the bill. The Republicans endeavored to defeat the motion by indirection and by a resort to parliamentary expedients. Had they been in favor of the bill they could have helped to pass it by simply withholding their objections. Anything can be done in the House by unanimous consent; but they chose to adopt a different course.

Mr. Sampson, of Iowa, was the first to interpose an objection. He said:

> I understand the motion of the gentleman from Ohio is, that the House now resolve itself into committee of the whole on the state of the Union for the purpose of considering a special bill.
>
> The Speaker *pro tem* (Mr. Sayler): That is so.
>
> Mr. Sampson: Can that be done? Must not all bills be taken up in their order when the House resolves itself into committee of the whole on the state of the Union?
>
> The Speaker *pro tem*: The parliamentary motion is to go into committee of the whole on the state of the Union. That motion is in order and the rules may be suspended for that purpose by a majority vote. The Chair is informed it has been the custom to go into committee of the whole on the state of the Union for a certain purpose, and to antagonize against that other purposes, and to settle the question prior to going into committee of the whole.
>
> Mr. Hoar: That motion extends only to appropriation bills. A special motion to go into committee of the whole on an appropriation bill is in order. But, sir, all other bills in the committee of the whole must be taken up in their order on the calendar and laid aside one by one.
>
> Mr. Garfield: If we go into the committee on the whole on the state of the Union, we must take up the calendar in order just as on Friday.
>
> Mr. Hale: That has been the invariable rule.
>
> Mr. Rice: It has been the practice so far as I have observed during this session to go into committee of the whole on bills specially indicated. I wish to say the usage has been during this session, at least, in accordance with the motion I have made.

It will be observed that, while General Rice wanted to go into committee on the bill of the greatest importance to the Union soldier, and while the Democratic Speaker *pro tem* wanted to assist him in the accomplishment of that object, General Garfield, Mr. Hoar and Mr. Hale, all prominent leaders of the Republican party, insisted upon a strict application of the rule as against the soldiers' interests.

General Rice insisted upon his motion and the House went into committee. The rule requiring bills to be taken up in their order was rigidly insisted upon, and before the arrears bill could be reached the committee was found without a quorum and had to rise (*Record, vol.* 5, *part* 6, 1*st sess.*, 44*th Cong.*, *pp.* 5054 *and* 5055).

MORE FACTIOUS OPPOSITION.

On the following day, August 2d, General Rice tried to push the bill forward again. He succeeded in getting it into Committee of the Whole, but the entire time was again occupied in discussing the order of business, gentlemen insisting that the bills on the calendar be taken up in their order (*Ibid, pp.* 5084, 5085).

The opposition was so determined that the bill could not be reached again at that session of Congress. It might have been passed then if the Republicans had not made the point about taking it out of its order.

THE DEMOCRATIC HOUSE ACTS, THE REPUBLICAN SENATE REFUSES.

On March 3d, 1877, at the second session of the Forty-fourth Congress, the bill was passed under a suspension of the rules by the Democratic House. The same day the bill went to the Republican Senate and there it slept the sleep of death in the Republican household—lost in the house of its professed friends.

THE BILL OF 1878.

On June 19th, 1878, the Democratic House passed another Arrears of Pension Bill. This was in the Forty-fifth Congress. It passed by a vote of 164 to 61. The bill was not exactly in the form in which General Rice and the majority of the Pension Committee wanted to have it. The bill of the committee proposed to repeal section 4716 of the Revised Statutes which was as follows:

> No money on account of pensions shall be paid to any person, or to the widow, children or heirs of any person, who in any manner voluntarily engaged in, or aided or abetted the late rebellion against the authority of the United States.

The purpose of this repeal was to restore to the rolls the pensioners of the war of 1812 and other wars, whose names had been stricken therefrom for disloyalty. Notwithstanding the refusal of the Republicans to permit this clause to be repealed, the Southern Democrats did not on that account withhold their votes from the arrears bill. They gave it a cordial support for they had determined to do justice to the Union soldier, although the Republicans refused to act in an equally just spirit toward the veterans of 1812.

When the bill went to the Senate it was fought for some time. Action was not reached upon it in that body until the next session on January 16th, 1879. It passed on the 18th of that month after a good deal of opposition and after several attempts had been made to amend it, so that it would have to be sent back to the House.

The soldiers are indebted for the arrears bill to the energy, in their behalf, of the Democratic majority in the House of Representatives.

THE APPROPRIATION UNDER THE BILL.

The bill had been passed only a few days whan the Appropriation Committee of the Democratic House brought in and passed the following bill. It will be observed that they were not only prompt to raise the money to pay the pensions, but they included clauses construing certain clauses of the arrears act.

> An Act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25th, eighteen hundred and seventy-nine, and for other purposes.
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that there be and hereby is appropriated out of any money in the treasury not otherwise appropriated, the following sums namely: For the arrears of pensions due on claims in which the pensions were allowed prior to January 25th, eighteen hundred and seventy-nine, twenty-five million dollars; the amounts paid out respectively for army and navy pensions to be accounted for separately to the proper accounting officers of the Treasury Department. For pensions for army and navy invalids, widows, minors and dependent relatives for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, one million eight hundred thousand dollars in addition to the amounts heretofore appropriated for those purposes, the amounts paid out on account of army and navy pensions respectively to be accounted for separately to the proper accounting officers of the Treasury Department. For temporary clerks in the Pension Office and for furniture, rent of additional rooms and other contingencies fifty-two thousand two hundred dollars in addition to the appropriations which have been or shall be made under other acts the same to be available until June thirtieth, eighteen hundred and eighty: Provided, That no more than three thousand five hundred dollars shall be used for furniture, contingencies and rent.
>
> The pension agents shall receive for their services and expenses in paying the arrears upon pensions allowed previous to January twenty-fifth eighteen hundred and seventy-nine, including postage on the vouchers and checks sent to the pensioner, thirty cents for each payment; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the same.
>
> That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the degree of the pensioners disability from time to time and the provisions of the pension laws in force over the period for which the arrears shall be computed.
>
> That section one of the act of January twenty-fifth, eighteen hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the war of the rebellion, but died or incurred disability from a cause originating after the cessation of hostilities; and before being mustered out: Provided, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.
>
> Sec. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eigh-een hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted ince that date shall commence from the death or discharge of the person on whose account the laim has been or is hereafter granted if the disability occurred prior to discharge, and if such disaility occurred after the discharge then from the date of actual disability or from the termination f the right of party having prior title to such pension: Provided, The application for such penion has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July ighteen hundred and eighty, otherwise the pension shall commence from the date of filing the aplication; but the limitation herein prescribed shall not apply to claims by or in behalf of insane ersons and children under sixteen years of age.
>
> Sec. 3. Section forty-seven hundred and nine of the Revised Statutes is hereby repealed.
>
> Approved, March 3, 1879.

THE REPUBLICAN OUTRAGE ON THE SOLDIERS OF 1812.

There is no darker blot on legislation than the action of the Republicans in Congress with regard to the soldiers of the war of 1812, and their widows and orphans. Shortly after the war of the rebellion broke out, the Republicans struck all those people who resided in the South from the pension rolls. It was just and right to do so at the time, because the United States could not send money to the South during flagrant war. But after the war was over, and when all the States had been re-admitted to their places in the Union, there was no justification for withholding from these old veterans the money which they earned in defence of the flag of the whole country. In the Forty-fourth Congress, General Hunter, of Virginia, was Chairman of the Committee on Revolutionary Pensions of the War of 1812. He had for his colleagues on the committee such men as James Phelps of Connecticut, Frank Hurd of Ohio, Martin J. Townsend of New York, Samuel A. Dollins of New Jersey and Thoman J. Henderson of Illinois. On March 3d, 1876, by direction of his committee, he reported a bill to amend the laws granting pensions to the soldiers and sailors of the war of 1812. The bill proposed to restore to the rolls the names of the pensioners who had been stricken therefrom for disloyalty, and the widows and dependent children of such pensioners. The bill also provided that the pensions should commence after the close of the civil war, in 1865. It was not proposed to pay them for any time during the war, when they were supposed to have sympathized with the South. In the course of the discussion of the bill attention was called to the fact that from the lapse of time from the war of 1812 until the beginning of the war of the Rebellion, that these old men could not have possibly participated in the latter. Nevertheless, the Republicans opposed the bill. Congressman Conger of Michigan was a leading spirit in opposition. He moved to so amend the bill as to make its pensions take effect at the date of its passage, and he added "that is time enough to pension men who have been disloyal." Mr. Reagan and other gentlemen again called attention to the fact that from the very necessities of the case, these veterans of 1812 were so old in 1861 that they could not have participated actively in the rebellion.

Mr. Conger and his friends did not succeed in striking out the clause.

FIGHTING WIDOWS AND ORPHANS.

There was another section of the bill which excited the ire of the Republicans. It was not proposed to give arrears of pay to the old soldiers who had sympathized with their children and grandchildren. But it was proposed to give arrears to the widows and heirs of these old soldiers. Then the Republicans came to the front again to fight the widows and orphans.

To the credit of the American Congress be it said, the motion to strike out the section was rejected by a vote of 92 yeas to 102 nays.

The Democratic House had no idea of fighting widows and orphans.

Here are the names of some of the Republicans who voted for that infamous proposition :

Baker, of Indiana ; Ballou, of Rhode Island ; Burchard, of Illinois, now Director of the Mint ; Cannon, of Illinois ; Conger, of Michigan ; Dunnell, of Minnesota ; Fort, of Illinois ; Foster, of Ohio, now Republican Governor of that State and one of Garfield's right hand men ; Frye, of Maine ; JAMES A. GARFIELD, the REPUBLICAN CANDIDATE FOR PRESIDENT ; Hoar, of Massachusetts ; Hurlburt, of Illinois ; Joyce, of Vermont ; Kasson, of Iowa ; O'Neill, of Pennsylvania ; Page, of California ; Rusk, of Wisconsin ; Wheeler, of New York, and others not so prominent in Republican circles.

All of the negative votes, with three exceptions, were Democrats.

After a further fight upon the question of paying arrearages, the bill was passed (*Record, vol.* 4, *part* 3, 44*th Cong.*, 1*st sess., pp.* 2167-70).

THE REPUBLICAN SENATE KILLS THE BILL.

The bill went to the Republican Senate. It was referred to a committee, reported back with amendments, the report was ordered printed, and that was the last of it. The Republican Senate did not care to pass the bill. It was a matter of indifference to them whether the old soldiers or their widows were paid or not.

THE BILL OF 1878.

In the Forty-fifth Congress, bills to restore these old veterans were introduced in both Houses. On the 19th of February, 1878, Mr. Withers called the bill up in the Senate. Senator Edmunds and other Republicans opposed the restoration of the veterans to the rolls. Mr. Maxey made a speech in which he administered a merited rebuke, and showed how absolutely indefensible and outrageous was the position of the Republican party on this question. He said :

> It seems to me, Mr. President, that when the laws of this country under the operation of the Fourteenth amendment justify, and wisely so, the admission to this body and to the highest offices in the gift of the people, to men like myself who openly, actively participated in the late rebellion, it is, to say the least of it, something singular that these few old men, now rapidly passing to their graves, should be deprived of the poor pittance of a pension of eight dollars per month for their services 63 years ago, in a war with Great Britain, simply because, forsooth, their sympathies were with their children and grandchildren who participated in the late war, for these old people were too old to have taken an active part in it.
>
> A broad and liberal statesmanship was laid down by the late President, General Grant, in the message to Congress of December 7th, 1874, in respect to the soldiers of 1812–15, living in the South, and provided for by the bill now before the Senate.

GRANT'S REBUKE TO THE REPUBLICANS.

> In that message General Grant said : " The act of Congress providing an oath which pensioners must subscribe to, before drawing their pensions, cuts off from this bounty a few survivors of the war of 1812 residing in the Southern states. I recommend the restoration of this bounty to all such. The number of persons whose names would thus be restored to the list of pensioners is not large. They are all old persons, who could have taken no part in the rebellion, and the services for which they were awarded pensions were in defense of the whole country."
>
> These, continued Mr. Maxey, were the utterances of the President, a man who as General-in-Chief of the armies of the United States brought the war to a close. If such a man, occupying the exalted position that he did, and who was lifted to the Presidency of the United States, by reason of the military service he had rendered his country; if this man, who more than any other one man, perhaps, who occupied a high position, had confused the so-called rebels and brought the war to a close ; if such a man could utter such sentiments ; it does seem to me that the broad statesmanship which he annunciated in the passages I have quoted, ought to prevail in this body, and to induce us to secure to these old men this pittance, for the remnant of their days (*Record, Vol.* 7, *Part* 2, 45*th Cong.*, 2*d sess.*, *p.* 1161).

LEADING REPUBLICANS OPPOSE THE BILL.

The bill was opposed by Senators Edmunds, Anthony, Morrill and others. But Mr. Maxey's speech and the quotation from General Grant's message seemed to have had some effect, for the motion to strike out the clause authorizing the restoration of the old pensioners to the rolls was defeated by a vote of 50 to 7. The seven Senators who voted to strike it out were Anthony, Cameron of Wisconsin, Edmunds, McMillan, Morrill, Oglesby and Teller.

The bill was then passed, the same seven Republican Senators voting against it (*Ibid.*, *p.* 1169).

THE BILL IN THE HOUSE.

The bill was taken up in the House on March 4th, 1878. It was reached in the course of business on the Speaker's table. Mr. Stephens moved that it be put upon its passage just as it came from the Senate. Mr. Joyce and other Republicans wanted to move to amend so as to exclude all who had participated in the rebellion. The motion was decided not in order, pending Mr. Stephens' demand for the previous question on the passage of the bill. The previous question was seconded and the bill was passed by a vote of 218 to 20. All the Democrats voted in the affirmative. The twenty Republicans who voted against these old and decrepit men were Baker, Hunter and Robinson, of Indiana; Brewer, Keightley, McGowan, Stone and Willits, of Michigan; Cox and Danford, of Ohio; Dennison and Joyce, of Vermont; Dwight, Hungerford and James, of New York; Hayes and Tipton, of Illinois; Hazleton and Humphrey, of Wisconsin, and Killinger, of Pennsylvania (*Ibid., p.* 1465).

DID GARFIELD DODGE?

General Garfield is not recorded, nor is he announced as paired. He seems to have DODGED because he had voted just previously on a bill for a custom-house at Memphis, and was, therefore, present (*Ibid., p.* 1463).

In spite of Republican opposition, the old soldiers of 1812 rejoice to-day, and they have the gratification of knowing that they are pensioned for the remainder of their days by a unanimous Democratic vote.

AN EFFORT TO PROTECT SOLDIERS FROM SHARPERS.

On January 25, 1876, Mr. Jenks, a Democratic representative from Pennsylvania, reported from the Committee on Invalid Pensions a bill supplementary to the several acts relating to pensions and bounty lands. Under the law as it then existed, land warrants were regarded as personal property. Consequently, they not unfrequently got into the hands of sharpers, who sold them, and thereby the soldiers were swindled. For the purpose of protecting the soldiers, the Pension committee reported a bill declaring land warrants issued to soldiers to be real instead of personal property. The object was to place the same directly under the control of the courts, because when the warrants were made realty the administrator of a soldier's estate could not dispose of the warrant without an order from the Orphan's Court. The law was framed entirely for the protection of the soldier and his heirs. The bill was opposed in the House, but it finally passed by Democratic votes (*Record, vol.* 4, *part* 1, 1*st sess.*, 44*th Cong., p.* 618).

THE REPUBLICAN SENATE DEFEATS THE BILL.

The bill went to the Senate, where it was referred to the Committee on Invalid Pensions. It was there pigeon-holed, and that was the last of it. The bill was based upon petitions that had come from a large number of soldiers.

The Democrats in the House did all in their power to meet the wishes of the petitioners.

The Republican Senate paid no attention to the petitions.

ARTIFICIAL LIMBS FOR SOLDIERS—A REPUBLICAN WRONG RIGHTED.

The Republicans in the height of their power never made adequate provision for the furnishing of artificial limbs to soldiers, sailors and others. The Democrats of the Forty-fourth Congress took this subject up. The Committee on Invalid Pensions was presided over in this case by George A. Jenks of Pennsylvania. It had among others for members George W. Hewitt of Alabama; Jesse J. Yates of South Carolina and Haywood Y. Riddle of Tennessee, three ex-Confederates. These gentlemen wanted to have a bill passed to pension the veterans of the Mexican war. The Republicans voted against the bill at every chance. But that did not deter these gentlemen. They endeavored to do all that was just for the Union soldier.

The Republicans said in almost so many words, "We will not do anything for the Mexican veterans who gave an empire to the Union, because the majority of them live in the South."

The Democrats, and Southern Democrats at that, said, "We will do justice to the Union soldier, although they fought us in four years of war."

And they did equal and exact justice.

Under Republican rule, the maimed and wounded soldiers of the Union army had been compelled to purchase their artificial limbs and other appliances at such prices as the dealers chose to demand.

The Democrats, including the "Confederate Brigadiers," said, that is not right. Hence, they reported a bill in June, 1876, to regulate the issue of artificial limbs.

The first section of the bill provided, that every person who in the line of his duty in the military or naval service of the United States shall have lost a limb, or sustained bodily injuries, depriving him of the use of any of his limbs, shall receive once every five years an artificial limb or appliance, under such regulations as the surgeon-general of the army may prescribe ; and the period of five years shall be held to commence with the filing of the application after the 17th day of January, in the year 1870.

The last clause of the act is significant. The Democrats did not only what the Republicans should have done long before, but they dated the law back, so that the soldiers should not suffer in their pockets, in consequence of the indifference of the Republican party to their interests.

But the Democrats went further. They believed that the government of the United States owed a debt to the soldiers, and that it should be generous. So they provided in the same bill, that the necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, and an appropiation was made for that purpose.

There was not the slightest trouble in passing the bill throught the Democratic House. It went to the Senate. The Senate was Republican. Senator Ingalls, of Kansas, was Chairman of the Committee on Pensions. The very essence of the bill was taken out by an amendment offered by Mr. Ingalls himself. It deprived the soldier of the very advantage which the Democratic House insisted he should have. It was fought in the Senate and substantially destroyed. The Democratic House insisted upon its law for the benefit of the Union soldier. A committee of conference was ordered on the disagreeing votes. The Democratic House finally made the Senate yield, and the law of August 15th, 1876, became a part of the statutes of the land through the obstinacy of the Democratic House in the interest of the Union soldier (*see Record, vol.* 4, *part* 5, 1*st sess.* 44*th Cong., p.* 4182, *&c.*).

A CONTRAST.

Contrast the above liberal act with the following, which the Republicans passed when they had majorities in both Houses :

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all persons who are now entitled to pensions under existing laws, and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.
>
> SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. *Approved June* 18, 1874.

TOTALLY DISABLED SOLDIERS RELIEVED.

On May 24, 1878, the House passed a bill to increase the pensions of certain pensioned soldiers and sailors, who had lost either both their hands or both their feet, or the sight of both eyes, in the service of the country. It provided that the pensions of such soldiers and sailors should be increased to $72 per month. The pension allowed at the time was a little over $30 only (*Record, part* 4, 45*th Cong.,* 2*d sess., p.* 3758).

The bill gave them the pension absolutely without conditions or reservation. It went to the Republican Senate, where the Committee on Pensions proposed to attach conditions to it. They recommended the striking out of all after the enacting clause and to insert as follows:

THE SENATE ATTEMPTS TO IMPOSE CONDITIONS.

> That all persons who, by wounds received or diseases incurred while in the military or naval service of the United States, and in the line of duty, have lost both arms or both feet, or the sight of both eyes, or the sight of one eye, the sight of the other having been previously lost; or who is or shall hereafter become so totally or permanently helpless, from wounds or diseases so received, as to require the regular personal aid or attendance of another person, shall be entitled to a pension of $72 per month, which shall be in lieu of the pensions now granted to such persons.

Here was a condition precedent that certain persons should have the attendance of another person before the increase should be available. But the committee went a step further and proposed to add the following proviso to the bill:

> Provided, That this act shall not apply to those who have no families dependent upon them for support; nor to those who are not, in the judgement of the Commissioner of Pensions, in a necessitous condition; nor to any person during the time he may be in the civil service and employment of the government of the United States.

Let all soldiers note the difference in the two bills. That of the Democratic House proposed to help the pensioner in a plain, straightforward, direct way. That of the Republican Senate hampered it with conditions; left much to the discretion of the Commissioner of Pensions, and proposed to repeat what they had done immediately after the war, and say that employment in the civil service should be a bar to a pension, no matter how much suffering the soldier might have endured.

The proposed Senate amendment was rejected, and the bill was passed just as it came from the House (*see Record, part* 5, 45*th Cong.*, 2*d sess.*, *p.* 4588).

STILL FURTHER RELIEF GRANTED.

Another bill, passed on May 24, 1878, increased the pensions of all soldiers who had suffered amputation of their leg at the hip joint to $37.50 per month. It went through the House the same day it was reported (*Record, part* 4, 45*th Cong.*, 2*d sess.*, *p.* 3758).

There were very few of this class on the roll. Hence the passage of the bill could not add very largely to the pension account. But the Republican Senate let the bill lay for nearly one year, and only took it up and passed it about the time the Forty-fifth Congress was expiring, and when the Republican majority was about to give place to a Democratic majority. It passed March 3d, 1879.

RELIEF BILLS PASSED BY THE HOUSE AND REJECTED BY THE SENATE.

On May 23, 1878, Mr. Riddle, of Tennessee, reported a bill from the pension committee to increase pensions in certain other cases. It amended the pension act of 1874 so as to extend its provisions to all persons who had lost an arm below the elbow, or so near the elbow, or a leg below the knee, or so near the knee, as to destroy the use of the elbow or the knee-joint, and rated such persons in the second class and to receive a pension of $24 per month.

The bill passed the Democratic House without the slightest opposition (*see Record, part* 4, 45*th Cong.*, 2*d sess.*, *p.* 3731).

The bill went to the Republican Senate, and that body demonstrated its regard for the soldiers' interests by sending it to the Committee on Pensions, where it was pigeon-holed and forgotten. It was never heard of more.

In looking over the laws, the Democrats found that the Republicans had neglected a class of pensioners who were suffering very seriously. They were the men who had lost one hand or one foot, or one arm or one leg. The Republicans said $24 a month is enough for this class of pensioners. The Democrats, in the House, said it is not enough; these men shall have $36 a month. The bill passed the House (*see Record*, 1*st sess.* 44*th Cong.*, *vol.* 4, *part* 1, *p.* 619).

It went to the Republican Senate. It was referred to the Committee on Invalid Pensions in that body, and it was never heard of again.

REPUBLICAN AND DEMOCRATIC LAWS CONTRASTED.

The object of the Democrats in introducing and trying to pass the alm bills was to remedy glaring defects in Republican legislation.

In 1872, when both Houses were under Republican control completely, they passed the following general law:

AN ACT increasing the rates of pension to certain persons therein described.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act supplementary to the several acts relating to pensions," approved June sixth, eighteen hundred and sixty-six, be so amended that from and after the passage of this act all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the constant personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require constant personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month, from and after the fourth day of June, eighteen hundred and seventy-two. Approved June 8, 1872.

THE LAWS PASSED BY DEMOCRATS.

Contrast the above general law with the following for some of the same classes of disability, passed after the Democrats obtained control of the House of Representatives. They at once increased pensions where it was deserved:

AN ACT to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country.

Whereas, it is apparent that the present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet, or the sight of both eyes, in the service of the United States, shall receive, in lieu of all pensions now paid them by the government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy-two dollars per month. Approved June 17, 1878.

The next year they went a step further and passed the following:

AN ACT for the relief of soldiers and sailors becoming totally blind in the service of the country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of June 17th, eighteen hundred and seventy-eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country," be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States. Approved March 3, 1879.

AN ACT to allow a pension of thirty-six dollars per month to soldiers who have lost both an arm and a leg.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided,* that this act shall not be so construed as to reduce pensions in any case. Approved February 28, 1877.

AN ACT for the relief of certain pensioners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled; That all pensioners now on the pension rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip-joint, shall receive a pension at the rate of thirty-seven dollars and fifty cents per month from the date of the approval of this act. Approved March 3, 1879.

These acts leave no doubt as to which party is the best friend of the soldier.

THE THREE MONTH'S EXTRA PAY TO MEXICAN SOLDIERS.

On the 17th day of January, 1878, Gen. Banning, from the Committee on Military Affairs, reported a bill to pay the officers and men of the Mexican war the three months extra pay allowed them by an act passed in 1848, after the close of the war. Some of the officers and soldiers had not taken the pay at the time, and the right to do so had lapsed. The bill was to enable those to take it who had previously neglected to do so. The bill passed the House after a very brief explanation (*see Record, part* 1, *45th Cong.*, *2d sess.*, *p.* 386).

It was taken up in the Senate on April 18, 1878, and Mr. Maxey, who had reported it, asked for immediate action. Mr. Edmunds objected, apparently for no other reason than that the bill had something to do with the Mexican soldiers. In consequence of this objection the bill was not again reached until January 15th, 1879, in third session of the Forty-fifth Congress. The Senate committee had amended the bill, so as to include in its provisions also the officers, petty officers, seamen and marines of the United States navy employed in the prosecution of the said war.

Mr. Edmunds, upon whose objection the bill went over before, then offered an amendment to grant also three months' extra pay to the soldiers who had served in the suppression of the rebellion. As this amendment was in no sense germane to the bill, its offer could not have been intended for any purpose but to embarrass it, and it was so construed by the friends of the bill. It so complicated matters that the bill again went over (*Record, part* 1, 3*d sess.* 45*th Cong.*, *pp.* 451 *and* 452).

It came up again on the 8th of February, and it was then passed, but not without opposition on the part of Senators Sargent and Edmunds and other Republicans. They insisted that the pension rolls were largely increasing year by year ; but, underlying all their opposition, was a manifest indisposition to pass the bill because it would help the veterans of Mexico, the majority of whom resided in the South.

Mr. Maxey administered a pointed but well-deserved rebuke to this spirit of sectionalism by remarking that he and others who wore the gray in the late unpleasantness had cheerfully voted for pensions to the Union soldiers, because they believed it was right to do so, and they thought it right also to vote something to the old veterans who had fought their country's battles in Mexico (*Record, part* 2, 3*d sess.* 45*th Cong.*, *p.* 1121),

The House subsequently concurred in the Senate amendment and the bill was passed, but the veterans who got the pay are under no obligations to the Republicans of either House for it.

SOLDIERS PROTECTED FROM EXORBITANT PENSION FEES.

In the second session of the Forty-fifth Congress, the House Committee on Pensions, with the view of protecting the soldiers from the pension claim agents, reported a bill fixing by law the fees they were authorized to charge. On motion of Mr. Fuller of Indiana, a Democrat, the charge was limited to ten dollars. The bill passed with but slight opposition in the House. It went to the Senate, where it was debated some time, Messrs. Conkling, Christiancy, Hoar, Dorsey and other Republicans arguing in favor of allowing the claim agents a larger fee. The bill passed, however, by a vote of 41 to 8, and more than one-half of those voting in the affirmative were Democrats.

Those voting yea were: Messrs. Allison, Anthony, Bailey, Barnum, Bayard, Beck, Booth, Bruce, Burnside, Butler, Cameron (Wis.), Cockrell, Conover, Dawes, Eaton, Eustis, Gordon, Grover, Harris, Hore, Ingalls, Johnston, Jones (Fla.), Jones (Nev.), Kellogg, Kiernan, Kirkwood, Lamar, McCreery, McMillan, Maxey, Merrill, Sargent, Salsbury, Saunders, Teller, Voorhees, Wadleigh, Wallace, Whyte, and Withers—41.

Of the above 22 are Democrats. The Senate at the time had a clear Republican majority.

Of the negative vote 7 were Republicans, and only 1 a Democrat.

Those voting were: Messrs. Christiancy, Coke, Conkling, Dorsey, Hoar, Mitchell, Paddock, and Spencer.

The Democrats in this, as in other cases, indicate their regard for the interest of the soldier (*see Record, part* 5, 45*th Cong.*, 2*d sess.*, *p.* 4842.)

THE LAW FOR FILING CLAIMS FOR LOST HORSES AND EQUIPMENTS.

Mr. De Bolt, a Democrat from Missouri, introduced a bill in the Forty-fourth Congress to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States. The bill was reported back promptly from the Committee on Military Affairs by General Cook of Georgia. It proposed to repeal the limitations which had been put on by the Republicans. The bill was general in its application and was intended to cover a large number of claims. It was liberal and provided that all claims for horses, or other property lost or destroyed in the military service of the United States, filed in the proper department after the first day of January, 1876, or before the passage of this act, shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

The bill promptly passed the House (*Record, part* 5, 45*th Cong.*, 2*d sess.*, *p.* 4161).

When it went to the Republican Senate, what fate did it meet? It "slept the sleep of death." Such was Republican love for the Union officer and soldier.

The above cases are cited to show that in every instance where the real interest of the soldier was at stake, the Democrats were his friends, while Republicans threw impediments in the way of relief.

DEMOCRATIC AND REPUBLICAN RECORDS CONTRASTED.

The record of the Democratic majority of the House of Representatives since the commencement of the Forty-fourth Congress; that of the Democratic majority of the Senate, since the commencement of the Forty-sixth Congress, so far as relates to the soldiers, will bear the closest scrutiny. The verdict of every impartial mind, after the scrutiny, must be that the interests of the soldiers have been guarded more carefully, that more has been done for them in the brief time that the Democrats have been in power, than during all the long years of Republican domination in Congress. The whole Democratic party has been charged with hostility to the Union soldier, while the Republicans, with characteristic impudence and arrogance, have claimed credit for themselves as the special friends of the gallant men who periled their lives for the Union cause.

Compare the record of the two parties, and it will be found that the Democrats have been practical, while the Republicans have been theorizing. The Republicans promised; the Democrats performed.

It is not only in the matter of bounty and general pension laws that the Republicans have been derelict. They have falsified their professions that the soldier shall be preferred in filling the civil offices under the government. Laws to this end were passed one day, only to be broken or to be conveniently forgotten the next.

HOW SECTION 1754 HAS BEEN VIOLATED.

In 1865, just after the close of the war, the following law was passed:

> Persons honorably discharged from the military or naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices (sec. 1754, *Revised Statutes*).
>
> In grateful recognition of the services, sacrifices and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments (*sec.* 1755, *Revised Statutes*).

But, unfortunately for the poor soldier seeking employment, these laws were—

> Like Dead Sea fruits which tempt the eye,
> But turn to ashes on the lips.

Examine the shameful record. Let Union soldiers everywhere look around them and see how the Republican party has kept its pledges! They will not fail to realize that they have been mocked at by the politicians who professed to be their best friends.

The laws above quoted were passed as far back as the Thirty-eighth Congress, when the Republicans had more than two-thirds in each branch. They soon became obsolete in practice. They were forgotten by Republican officials until the Democrats called attention to them.

THE DEMOCRATIC HOUSE RIGHTS THE WAY.

In the Forty-fifth Congress, the Committee on the Judiciary of the Democratic House of Representatives reported the following act:

> *An Act to enforce by appropriate legislation the will of the people in regard to the disabled soldiers of the late war.*
>
> Be it enacted, That whoever shall violate or set at naught any of the provisions of section 1754 of the Revised Statutes shall be punished by a fine not less than one hundred nor exceeding $5,000, and by imprisonment not less than one month nor exceeding two years.

In the discussion of the bill some members expressed the fear that section 1754 did not apply to a certain class of soldiers, namely, the Veteran Reserve Corps, and in order that there might be no doubt of the intention of Congress, the following additional section was added:

> SECTION 2. Nothing in the first section of this act, or in section 1754 of the Revised Statutes, shall be so construed as to exclude from appointment to office any soldier who was disabled in the line of duty and honorably discharged, or the widows or daughters of the killed or disabled soldiers.

This act passed the Democratic House on June 10th, 1878.

THE REPUBLICAN SENATE REFUSES TO ACT.

The Senate was at that time Republican. The bill was sent over to that body, when it was referred to the Judiciary Committee, and that was the last heard of it. Thus the pretended love of the Republicans for the Union soldier has always failed at some point. They neglected to enforce section 1754, and when the Democrats attempted to right a great wrong and compel the enforcement, the Republicans kicked the bill aside unceremoniously.

THE LAW NEVER REGARDED.

Let any one examine the record of Republican appointments, and he will find that the law has always been a dead letter. Take the City of Washington. Let any man go through the departments, and he will find that of the many thousand men in the employ of the Republican administration, a few only are disabled and crippled soldiers. The lusty politicians who never trained a gun on an enemy occupy the fat places. While the Republicans have thus ignored the duty imposed upon them by law, the Democratic majority in Congress has given ample proof that no reasonable measure for the relief of the Union soldier has suffered any neglect at their hands.

A SPECIMEN BRICK—THE RHODE ISLAND CASE.

An investigation recently made in the state of Rhode Island shows how much regard Federal officials had for the claims of the soldiers. The case is only an illustration of many others.

J. B. Greene, Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of Rhode Island, in May, 1879, presented a memorial to Congress, alleging violations of sections 1754 and 1755 of the

Revised Statutes, in relation to the appointment of wounded soldiers and sailors to civil offices. In their memorial the petitioners say:

It is herein alleged that several honorably discharged soldiers have been within a short period dismissed the custom-house of the Port of Providence, Rhode Island. Their places have been filled by civilians with one exception, and mainly by the relations of Hon. H. B. Anthony. Several of these deposed veterans are and were ready to submit to a competitive examination. This privilege was denied them.

Gallant men, with dependent families, have been displaced to make room for mere striplings who were in swaddling clothes when these veterans were fighting the battles of their country; men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war. * * * Your honorable bodies are respectively asked to interfere in behalf of the parties aggrieved.

Subjoined is the roster of the custom-house of the Port of Providence, Rhode Island; names of the civilians marked thus, ×

Cyrus Harris ×	$5,000	Joseph T. Reed ×	1,095
Edward P. Burrows ×	3,000	D. M. Arnold	1,095
E. C. Ashley ×	1,800	J. R. Skinner, soldier	1,095
Nathan Goff, jr., soldier	1,600	B. C. Allen ×	900
Robert Perkins ×	1,095	William S. Chase, soldier	1,095
George W. Pettis, soldier	1,095	——— ——, boatman ×	500
Master Burrows ×	1,095	E. C. Pomroy, soldier	1,095
J. E. Burrows, soldier	1,095		
Total			$22,655

A glance at the above names and figures shows that the civilians far outnumber the veterans. The money paid to the civilians is twice that paid to the veterans.

The memorial was referred in the Senate to the Committee on Civil Service and Retrenchment. The committee was subsequently authorized to investigate the charges, and were further authorized to sit during the recess of Congress. Accordingly, Senators Butler, Beck, Wythe and Rollins met at Newport in August, 1879, and there examined a large number of witnesses. They not only inquired into the charge that sections 1754 and 1755 had been violated, but also into allegations of the violations of the Civil Service rules made by the fraudulent administration.

The specific allegations and charges made in the memorial of the "discharged soldiers and sailors" were:

That sections 1754 and 1755 had not been obeyed, "especially in regard to appointments made for collection of customs dues at the district and Port of Providence;" that "the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the places of discharged veterans;" and that "for a long time the interference of Federal officers at the polls at town, city and state elections has restrained men from the exercise of rights guaranteed by the Constitution."

THE LAW VIOLATED IN LETTER AND SPIRIT.

The committee say in their report:

Your committee are of the opinion that the testimony shows beyond dispute that sections 1754 and 1755 have been violated in letter and in spirit in "the appointments made for collection of customs dues at the district and Port of Providence;" that "persons honorably discharged from the military and naval service, by reason of disability resulting from wounds or sickness incurred in the line of duty," have not been preferred for appointments to civil offices;" but that, on the contrary, honorably discharged soldiers," though not suffering "under disabilities from wounds or sickness incurred in the line of duty," were "wounded" in the line of duty and honorably discharged after highly meritorious and gallant service during the war, have been removed, and their places filled by civilians wholly without a record of service in the army or navy.

Not only were these discharged soldiers thus supplanted, but it appears to your committee from the evidence entirely without proper cause, and in the face of the fact that "they were found to possess the business capacity necessary for the proper discharge of the duties of the offices" in which they were employed.

General James Shaw, Jr., the collector at the Port of Providence, was one of the officers removed. Mr. Cyrus Harris, who was never in the military or naval service, was appointed to succeed him. In response to the question of how long he was in the military service, Gen. Shaw testified as follows:

I entered the service the 26th of May, 1862; remained for three months; it was a three months' regiment; entered again the last of December, 1862, and was mustered out some time in July, 1863; that was a nine months' regiment. I was nearly eight months in it. I again entered the service in command of the Seventh United States Colored Troops in October of 1863, and remained until November, 1866. We were finally discharged at Baltimore, Md., November 16, 1866.

Q. What rank had you when you were mustered out? A. Colonel and brevet brigadier-general.

The testimony shows that Shaw was removed because he refused to contribute himself or ask his subordinates to contribute to a forced political assessment. Of his case the committee say:

> It will not be doing justice in the case of General Shaw and others to say simply that "they were found to possess the business capacity necessary for the proper discharge of their duties."
>
> By the concurrent testimony of all parties—importers, merchants, public officials and employees—General Shaw "possessed" the highest qualifications for the discharge of his duties as collector of the Port of Providence, and appears to have had the esteem and confidence of officials, superiors in rank, and the entire community within the range of which his duties were performed.
>
> His military record was most honorable and meritorious, as presented to your committee, and yet he was displaced for no other cause that your committee can discover—and an aged civilian politician appointed in his stead—than that he obeyed the Civil Service orders which had been promulgated by the head of his department, and refused to be assessed on the amount of his salary as a public officer for political purposes. If there was any other cause for his removal it was not made to appear.

It thus appeared that a soldier was displaced because he refused to violate the Civil Service rules of his superior officers, the President of the United States and the Secretary of the Treasury. Mr. Cyrus Harris, who never saw a gun fired during the war, appears to have been appointed chiefly on account of his personal or political influence, to succeed Gen. James A. Shaw, who was a gallant soldier and a very efficient officer.

OTHER SOLDIERS KICKED OUT.

Major William H. Joyce was another soldier who was dismissed for no just cause. He was foreign inspector, weigher, gauger and measurer at the Providence custom-house, and had acceptably filled the office for eight years. Here is his testimony with regard to his service in the war:

> William H. Joyce sworn and examined:
>
> By the Chairman: Q. What is your age? A. Forty-five last July.
>
> Q. Were you a soldier in the late war in the Union army? A. I was.
>
> Q. Be good enough to state in what capacity. A. I entered the service on the first call of the President for state troops in 1861, in the First Regiment Rhode Island Detached Militia, under Colonel (now General) Burnside. Subsequently I was commissioned first lieutenant in the Seventh Rhode Island, promoted captain therein for gallantry at the battle of Fredericksburg, Va., and subsequently promoted major for gallant and meritorious services during the war.
>
> Q. Why were you discharged? A. By reason of the termination of the war and my services being no longer required.
>
> Q. When? A. June, 1865, I believe.
>
> Q. Honorably discharged? A. Yes, sir.

The hardship to which this soldier was subjected by being dismissed and having a civilian appointed in his place was brought out by the following testimony elicited by Senator Beck:

> By Mr. Beck: Q. I want you to state again your story as connectedly as you can. You are forty-five years of age, I understand? A. Yes, sir.
>
> Q. You have a wife and five children depending on you for support? A. Yes, sir.
>
> Q. State briefly your length of service in the war, the position you held, and the promotions made. A. I first entered as a private Company C, First Rhode Island Detached Militia; served the full term; was discharged by reason of expiration of term; re-entered the service as first lieutenant in the Seventh Rhode Island Volunteers; September 6, 1862, I was mustered in; was promoted captain in the December following—December 13, 1862—and subsequently promoted major.
>
> Q. You were promoted for gallant services where? A. At the first battle of Fredericksburg, December 13, 1862.
>
> Q. And again promoted major for gallant and meritorious services? A. Yes, sir, that is embodied in my commission.
>
> Q. Those facts are set forth in your commission? A. Yes, sir.
>
> Q. And you served till the end of the war? A. Yes, sir.
>
> Q. Then you held two other positions, I understood you to say, which you did not name before? A. The first position I held on my return to civil life, I think, was assistant United States marshal for taking the census in 1870; the next position, I was appointed storekeeper in the internal revenue service. A short time after getting through with my duties as assistant marshal, while acting as storekeeper in this district, there was no particular duty for me to perform by reason of the distilleries to which I was assigned being closed up. The then internal revenue collector, Mr. Eames, deputized me as a deputy collector, and I performed duty as such and collected the internal revenue taxes on North Providence, and in this city a portion of them.
>
> Q. Then you were appointed to the custom-house? A. I resigned my position as storekeeper. I was actively engaged as storekeeper when I did resign to accept a position in the custom-house tendered me by Collector Shaw.
>
> Q. Was any fault found with you in the discharge of any of your duties either as soldier or civilian? A. I never knew of any.
>
> Q. As either being dishonest or unfaithful or incompetent? A. I challenge the strictest scrutiny on that point.

Q. And no complaint was made against you when you were discharged in May last? A. None. I inquired for the reasons, but the collector peremptorily declined to give any reasons.

Q. You say your place was given to a man who had never served the country, that you know of, at least in the army? A. He could not have served; he was too young to serve at that time.

Q. A single man? A. Yes, sir.

Q. A former clerk of the collector? A. So I understand.

Q. Who was himself a civilian during the war? A. Yes, sir.

(*Senate Report No. —, 46th Cong., 2d sess., p.* 72.)

Major Joyce, it appears, was also unwilling to contribute to a forced assessment, and consequently his official head rolled into the basket.

Capt. HENRY A. GREENE, a coastwise inspector, was also dismissed as soon as Cyrus Harris took possession of the office of collector. There were no charges of dereliction of duty against him. His place was wanted for some one else. Of these cases of Joyce and Greene, the committee say in their report:

> What has heretofore been said in General Shaw's case is largely true of Major Joyce and Captain Greene, who were likewise honorably discharged soldiers, and, moreover, competent and faithful public servants. They, too, were removed without proper cause, and a civilian who had done no military service during the war was appointed in the place of Major Joyce, who was wounded in service and promoted for gallant and meritorious conduct.
>
> Major Pomeroy, appointed in Captain Greene's place, was a Union soldier of good military record and was wounded in action, while Captain Greene was engaged in less important service, principally on the Indian frontier, and was in no engagement in the field, and therefore in his case the statute has not been violated.
>
> Many other facts might be recited from the evidence relating to the discharge and appointment of employees in the Providence custom-house, to the pernicious practice of the present collector in permitting his subordinates to engage in other business avocations while they are employed by the government, to which, by the nature of their contracts, and for the best interest of the public business, they owe their undivided service.
>
> But it is not deemed necessary to recount them in order to sustain the proposition that the above recited sections of the Revised Statutes and the Civil Service rules and orders have been violated and disregarded, as set forth in the memorial.

Other facts were brought out by the committee showing violation of the statutes referred to, and also of the Civil Service orders of the fraudulent administration. All the facts clearly indicated that the Republicans' professions of love for the soldier, and their desire to have him occupy places of honor, trust and profit, were mere lip service. The Rhode Island case was but one of many. The same condition of things exists elsewhere, and an investigation only is needed to bring out the utter heartlessness of Republican professions of love for the soldier.

ANOTHER REPUBLICAN DISCRIMINATION AGAINST SOLDIERS IN CIVIL EMPLOYMENT.

In 1865 Congress, both branches being then largely Republican, passed an act which was entitled

> An Act supplementary to the several acts relating to pensions.

The first section of that act contained this proviso:

> *Provided* that no pension should be allowed to any person as an invalid for any period of time during which he received, or has become entitled to receive, for services to the United States government in any capacity, the full pay which able-bodied officers or employees rendering like services are allowed by law.

This proviso remained on the statute book for one year and more. It virtually struck from the pension rolls every wounded soldier, no matter whether he had lost an arm or a leg, who had been fortunate enough to obtain civil employment under the government. The proviso created much righteous indignation among the soldiers and their friends, and in June, 1866, the proviso was repealed. But no pension was made to reimburse the soldiers who had been deprived of their pensions between the date of the enactment of the proviso and its repeal.

THE DEMOCRATIC HOUSE RIGHTS THE WRONG.

On May 24, 1878, Gen. A. V. Rice, of Ohio—a gallant soldier who left a leg upon the field of battle, a Democrat tried and true, and one of the best friends the soldier ever had in Congress—reported a bill to remedy a wrong which the Republicans had left uncorrected on the statute book for twelve years. The bill was entitled

> An Act relating to soldiers while in the Civil Service of the United States.

The bill gave the pensioners the pensions of which the Republicans had deprived them. It provided as follows :

> That all persons who, under or by virtue of the first section of the act entitled an Act supplementary to the several acts relating to pensions, approved March 3d, 1865, were deprived of their pensions during any portion of the time, from the 3d day of March, 1865, to the 6th day of June, 1866, by reason of their being in the Civil Service of the United States, shall be paid their said pensions, withheld by virtue of said section, for and during said period of time.

This bill passed the Democratic House without a murmur of opposition (*see Cong. Record, part* 4, 45*th Cong.*, 2*d sess.*, *p.* 3757).

It went immediately to the Republican Senate, where the majority, which claims to have such supreme love for the soldier, let it lay until February, 1879, when the House bill was taken up and passed.

The bill originated in a Democratic House, it was pushed to a passage by a Democratic representative, and but for his action and that of his fellow-Democrats the pensioners who were deprived of their money in 1865 would still be without it. In all their years of power the Republicans never thought of doing this simple act of justice.

ANOTHER DEMOCRATIC EFFORT TO SECURE CIVIL EMPLOYMENT FOR SOLDIERS.

In the regular Annual Pension Appropriation Bill for the fiscal year ending June 30, 1879, which passed the House April 11, 1878, Gen. Rice of Ohio offered an amendment, which was adopted by the Democratic House, providing that from and after July 1st, 1878, the office of pension agent should be filled by wounded or disabled Union soldiers. It seemed to the Democratic House eminently fit and proper that the money disbursed for the benefit of soldiers should be distributed by soldiers. Besides that, it opened up a new avenue of employment to a number of the veterans (*see Cong. Record, vol.* 7, *part* 3, 45*th Cong.*, 2*d sess.*).

The bill was taken up in the Senate on May 6th, 1878, and the Senate Committee on Pensions moved to amend the House amendment by directing the President to *give preference* to wounded and disabled Union soldiers in the appointment of pension agents.

The amendment of the House, as well as the proposed amendment of the Senate committee, was opposed on the ground of unconstitutionality. It was argued that Congress could not instruct the President who to appoint. As an answer to this the fact was pointed out that in appointing judges, the President necessarily confined himself to the legal profession; that in appointing surgeons he was confined to the medical profession, etc., and that there was therefore no impropriety in directing him to confine himself to a certain class in the appointment of pension agents.

SENATOR INGALLS' TRIBUTE TO THE DEMOCRATIC HOUSE

In the course of the debate, Senator Ingalls, a Republican, said:

> At the other end of the Capitol is a House which is frequently alluded to as the House of the Confederate Tragedies. They have no unconstitutional scruples about declaring that Union soldiers shall administer the pension agencies of this country. The men who have served in the rebel army, and have had their disabilities removed and have come to Congress, pass a section to a bill expressly declaring that the powers and duties of those offices shall be exercised by disabled, wounded and honorably discharged Union soldiers. But when the bill came to the Senate, a portion of the gentlemen of that faith, and a portion of the gentlemen of the opposite political faith, come together in a body that is ostensibly Republican, and find a great many constitutional scruples about the power of the Executive to appoint Union soldiers to office. * * * The Senate, nominally Republican, attacks a section that comes from the House, actually Democratic. That body, controlled very largely by the sentiment known as the Confederate during the war, have sent to us an open, manly declaration that the duties of these offices shall be discharged by wounded and disabled Union soldiers. * * * If Democrats and Confederates, as they are called by the public press, can find no constitutional difficulty about this matter, it seems to me that we ought not to be particularly troubled upon the point (*see Record*, *May* 6, 1878, *part* 4, 45*th Cong.*, 2*d sess.*).

Senator Ingalls, in the extract above quoted, recognized and confessed the fact that the Democrats, including the "Confederate Brigadiers," were more disposed to do equal and exact justice to the Union soldier than the Republican Senate was.

The House clause was amended so as to provide that in case of a vacancy from any cause, the office of pension agent shall be filled by wounded or disabled Union soldiers, or the widows or daughters of Union soldiers.

When the bill went back to the House it was sent to a conference committee, and as the committee could not agree upon the construction of that clause, it was dropped out entirely. Thus the good intentions of the Democrats toward the Union soldiers were defeated, because the Republican Senate, in the language of one of their own Senators, "had constitutional scruples about the power of the Executive to appoint Union soldiers to office."

THE REPUBLICAN INSULT TO THE MEXICAN VETERANS.

At the regular monthly meeting of the Associated Veterans of the Mexican War, held in this city, on Saturday, July 3d, the following resolutions were adopted:

Whereas, when the constitution and by-laws of this association was formed, in 1873, party politics were ignored as forming no part in the objects and aims of the society, it being then the desire and intention to accord to every member perfect freedom in action and belief in all political questions of the day. But in the course of human events circumstances sometimes alter cases. The time has now come, in the opinion of this body, for a temporary suspension of this rule, and for taking a new departure in the interest of our comrades. It is well known that leading Republican Senators and members of Congress have latterly indulged in unmitigated abuse, malignant falsehood, and bitter contempt of our old comrades in arms whenever our friends sought occasion to have our humble claims to recognition on the pension roll of honor considered in those legislative bodies. They have repeatedly heaped insult and contumely, in a most ungenerous spirit, upon the heads of old soldiers of the republic, whose pretensions to recognition by the Pension Office on a footing with other pensioners were indorsed by twenty-five state legislatures, and a leading Republican Senator, who presided over the Republican Convention at Chicago, offered, as a proviso to the bill before the Senate, that before the Mexican veterans shall be pensioned they shall first make oath and prove themselves paupers ! Self-respect and the common instincts of manhood, therefore, require of us that we should combine our influence, and endeavor to enlist in our cause, by an earnest appeal, the sympathy and aid of our fellow-soldiers of all wars in which the country has been engaged, who have a common heritage in the glory and prosperity of the nation, to properly rebuke this arrogant party, grown insolent by overfeeding at the public crib, at the polls, in the forthcoming contest for political supremacy; therefore,

Resolved, That we recommend to our kindred associations of Mexican veterans throughout the United States to organize campaign clubs, and cordially invite the ex-soldiers of the Republic, in the North and in the South, in the East and in the West, to enroll their names with us and rally around the old flag as a grand army of American warriors, in support of the nominee of the Democratic party for the presidency, General Winfield Scott Hancock, a gallant soldier and statesman, in whom every patriot who ever bore arms in defense of what he honestly deemed to be right, may with confidence hope to find a friend and wise counsellor.

Resolved, That a copy of these resolutions be furnished for publication in *The Vidette*, and to the press of the country, and we earnestly recommend their adoption by the associations of veterans of Mexico in every state of the Union.

JAMES W. DENVER, President.

A. M. KENADAY, Secretary.

It is not at all surprising that these veterans should have taken this stand. It would have been surprising if they had not. They have been treated most shamefully by the Republicans in both branches of Congress. They have not only been refused a place on the pension rolls, but the Republicans have gone so far as to attempt even to deny their cause a respectful hearing by voting time and again against taking up their pension bill.

James A. Garfield was always among those who refused to do justice to these brave men. It would, therefore, be the sublimity of impudence for Garfield or his friends to appeal to a single Mexican soldier for his vote. Before the Democrats came into power in the House no attempt was made to pension the veterans. The Democrats in Congress stood as a solid phalanx in favor of pensioning them. The Republicans refused to pension the Mexican soldiers, because they hoped to make political capital out of the fact that the bill might pension a few who were not on the Union side. Once in the Forty-fourth Congress, when the Democrats had an overwhelming majority in the House, a bill was passed through that body, after much difficulty and many delays. But the Republican Senate killed it by indirection.

LEGISLATION IN THE FORTY-FOURTH CONGRESS.

Early in the Forty-fourth Congress a number of bills were introduced and referred.

> Granting pensions to certain soldiers and sailors of the Mexican, Florida and Black Hawk wars, and to certain widows of deceased soldiers of the same.

On February 24, 1876, Mr. Hewitt, of Alabama, reported a substitute, embracing the features of all the bills, and moved to make it a special order for a certain day.

Mr. Kasson, Republican of Iowa, objected (*see Record, vol.* 4, *part* 1, 1*st sess.* 44*th Cong., page* 1268).

On May 3d, Mr. Hewitt succeeded in having the bill assigned for the 19th of that month, but in consequence of objections and other business, it was not taken up on that day (*Ibid., part* 3, *page* 2917).

It was not reached again until the second session of the Forty-fourth Congress. On January 4th, 1877, it was taken up and passed (*Record, vol.* 5, *part* 1, 2*d sess.* 44*th Cong., pp.* 427–432).

It went to the Republican Senate, where it was referred, and killed in committee.

LEGISLATION IN THE FORTY-FIFTH CONGRESS.

Early in the first session of the Forty-fifth Congress (called session) Mr. Hewitt reintroduced the bill. It was reported back January 17, 1878, and Mr. Hewitt tried to have a day fixed for its consideration.

Mr. Conger, Republican, of Michigan, objected to it (*Record, vol.* 7, *part* 1, 2*d sess.* 45*th Cong., p.* 384).

On February 14th Mr. Hewitt succeeded in getting the bill up in committee of the whole House, and tried to limit debate. The Republicans objected. They were determined to talk it to death. They pretended that their principal opposition to the bill arose from the fact that if it was passed Jefferson Davis would be placed on the pension rolls. In order to meet this objection the friends of the bill were willing to add a clause

> that the provisions of this act shall not apply to any person while under the political disabilities imposed by the 14th amendment to the Constitution of the United States.

Even this did not satisfy the opposition, and their refusal to accept the proposition was the best evidence that Jefferson Davis' name was used merely as a blind, and that the real opposition was to the Mexican soldier (*Record, vol.* 7, *part* 2, 2*d sess.* 45*th Cong., pp.* 1038, 1047).

GARFIELD SHOWS HIS HAND.

February 25th Mr. Hewitt again moved to go into committee of the whole on the bill. On this occasion the Republicans resisted that motion and demanded the yeas and nays. The motion prevailed by a vote of 174 to 51.

The negative side was as follows :

> Messrs. Bacon, Ballou, Bayne, Blair, Brewer, Briggs, Burdick, Camp, Campbell, Clark (Iowa), Cox (Ohio), Cummings, Danford, Deering, Dwight, Ellsworth, Erret, Field, Foster, GARFIELD, Hardenburgh, Hendee, Hiscock, Humphrey, Hungerford, James, Jones (N. H.), Keightley, Lapham, Lathrop, Lockwood, McCook, McGowan, Monroe, Patterson (Col.), Patterson (N. Y.), Rice (Mass.), Robinson (Mass.), Sampson, Starin, Stone (Mich.), Stone (Iowa), Strait, Townsend (Ohio), Townsend (N. Y.), Wait, White (Pa.), Williams (Wis.), Williams (Del.), Williams (Oregan) and Willetts.

In committee the Republicans again tried to talk the bill to death. They would not permit a vote to be reached (*Ibid., pp.* 1315,1321).

The same thing occurred on February 26th, 27th and 28th. The friends of the bill tried hard to pass it, but the Republicans always resisted successfully, either by debate or by dilatory motions. The result was that the bill went over until the next session. Then the Republicans repeated their tactics to defeat the bill, and on every yea-and-nay vote JAMES A. GARFIELD is recorded as voting against the bill (*see Record, vol.* 8, *part* 1, 3*d sess.* 45*th Cong., pp.* 440, 441, 447). This was the short session of Congress, and the Republicans by their conduct were successful in preventing any action. The bill was consequently lost.

Early in the Forty-sixth Congress bills were introduced in both Houses. In the House it is on the calendar. Several attempts were made to take it up, but the Republicans individually objected. In the Senate the bill was discussed, but no vote was taken. General Williams, of Kentucky, made an eloquent speech in behalf of his old comrades. Other Democrats spoke in the same strain. The Republicans denounced the bill, as usual, and, as the Mexican veterans say in their resolution, they took the ground

> that before the Mexican veterans shall be pensioned, they shall first make oath and prove themselves paupers.

It is not at all surprising, therefore, that the old soldiers should be indignant and that they should espouse the cause of their old companion in arms, Gen. Hancock.

GARFIELD and his party friends are unworthy of a single consideration at their hands.

THE REBEL BRIGADIER:

DANGEROUS AS A DEMOCRAT—FIT FOR THE HIGHEST HONORS AS A REPUBLICAN—RADICAL DEMAGOGUISM—THE SOLDIERS' ROLL OF THE CONFEDERATE CONGRESS.

Since the Democrats came into control of the Senate and House, the Republican speakers and press have persistently represented that the Democratic party in its appointments of employees of Congress had shown its hostility to the Federal soldier. Repeated denials accompanied by conclusive evidence did not stop the misrepresentation.

In 1879 the Republican party of Ohio, in nominating as their candidate for governor a man who staid at home during the entire war and never exposed himself to a moment's danger, saw fit, in connection with that nomination, to indulge in a hypocritical gush against the abuse which Federal soldiers were receiving from the Democratic party. They passed the following resolution:

> *Resolved*, That the memory of our dead heroes who gave their lives to save the nation from destruction protests against the expulsion of their living comrades from public offices to gratify the partisan purposes of the dominant party in Congress.

One would suppose from the loud pretense of Republican love for the soldiers that at least every other man officially connected with the Republican Senate and Republican House was a discharged and wounded veteran. When the Senate was turned over to the Democratic party there were found just six wounded soldiers on its rolls and no more, out of one hundred and fifty employees. Under Democratic rule the six are still in the employ of the Senate.

In regard to the employees of the House the following statements carry their own story:

DOORKEEPER'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

I certify on honor that there are now upon the rolls of the Doorkeeper's Department, House of Representatives, my appointees, twenty gentlemen who served in the "Union Army" during the late war. Of this number is Colonel Baker, chief of document-room, one of the most responsible positions in the House; a second is Captain Knight, assistant doorkeeper, appointed by me to that place for the reason that he was a Union soldier.

CHARLES W. FIELD.

ENGINEER'S DEPARTMENT, HOUSE OF REPRESENTATIVES, June 5, 1879.

There are employed in the engineer's department of the House of Representatives two persons who served in the war for the Union, namely, William Lannan, chief engineer, who served in the navy, and S. J. Davenport, who served in the army.

WM. LANNAN. Chief Engineer, House of Representatives.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

There are employed in the office of the Clerk of the House of Representatives five ex-Union soldiers, among whom are Hon. George M. Adams, Clerk of the House, and Henry H. Smith, journal clerk.

GREEN ADAMS, Chief Clerk, House of Representatives.

The soldier roll at this hour, with the Democratic party in the ascendency in both branches of Congress, under the control, of "Confederate brigadiers," to use a hackneyed phrase, shows a better patronage bestowed on the Union soldier than it did when the Republican party had unlimited sway.

The Democratic party has been arraigned for the present composition of the Senate. Senator Conkling in a speech delivered in the Senate said:

> Twenty-seven states adhered to the Union in that dark hour. Those states send to Congress two hundred and sixty-nine Senators and Representatives. Of these two hundred and sixty-nine Senators and Representatives, fifty-four and only fifty-four, were soldiers in the armies of the Union.

He is now speaking of the House as well as the Senate:

> The eleven states which were disloyal send ninety-three Senators and Representatives to Congress. Of these, eighty-five were soldiers in the armies of the rebellion, and at least three more held high civil station in the rebellion, making in all eighty-eight out of ninety-three.
>
> Let me state the same fact, dividing the House. There are but four Senators here who fought in the Union army. They all sit here now; and there are but four. Twenty Senators sit here who fought in the army of rebellion, and three more Senators sit here who held high civil command in the Confederacy.

Since the war closed four Senators have been elected in the State of New York by Republican legislatures. Each time that party had an opportunity to send somebody here who had shed his blood or offered to shed it in the war for the Union. Four times they refused to do it, three times by sending Mr. Conkling, and once in sending Mr. Fenton. Four times the party of which the Senator is leader and king in his own state had a chance to select as Senator some soldier who had adorned the history of New York by his valor, who had been conspicuous by his heroism, who had faced the belching batteries of the enemy, and yet each time the towering figure of Conkling himself intercepted the soldier's hopes. Those who wore the blue went to the rear while the tall plume of the civil chieftain went to the front; and yet he now rails at the Democrats for not filling the Republican seats in the Senate with Union soldiers. Amazing spectacle!

Senator Blaine has made constant assaults on the Democratic party for its alleged hostility to Federal soldiers. He, too, has been disturbed because there are so many men on one side of the Senate Chamber who have periled their lives in battle and so few on the other. If the fact is to be deplored, then why comes the Senator from Maine. Why does he not yield to some gallant soldier from the Pine Tree state?

But there have been in the state of Maine five elections for Senators since 1865, each time resulting in the choice of a Republican Senator. Are there, in fact, no soldiers in that state to send to the Senate? Is there nobody there fit to be a member of this body who wore the blue during the war? If there is, and he has been jostled aside by the superior ability, artifice or ingenuity of the Senator from Maine, certainly that Senator ought not to reproach the Democrats for his own grievous fault. Five times the state of Maine has had the chance to do honor to some soldier in her borders, and five times she has done nothing of the kind, and thus she has added five conspicuous illustrations of the dire hypocrisy, the vile sham, and black, false pretense of the Republican party in its pretended love for the Federal soldier. The "home guards" are there in force. The proper order of things is reversed. The rear ranks are to the front, and the front ranks have gone to the rear. And now these rear men in war and front men in peace fill all the air with a dismal cry over the injustice which they themselves have inflicted on the soldier.

The Republican party in common decency ought to be silent on the subject, because they have had a hundred chances, taking all the states throughout the North together, to remedy the very evil they rail about. The Republican party of Indiana, with all of its clamorous outcry for the Union soldier, and its love for the soldier, always pushed the soldier aside and sent men to Washington who never faced the enemy. The Union army is as well represented on the floor of the Senate and House now, so far as Indiana is concerned, as it ever was.

Vermont has held seven senatorial elections since the war closed. There could not have been any soldiers in that state, or some one might have been found in seven trials. The state is not large; the population is not extensive. Seven times a Senator was called and seven times a civilian answered and was chosen. Seven times the roll of public merit has been called of those who deserved well of their country; and seven times the eager, hungry, stay-at-home, home-guard politician has rushed to the front, seized the prize, and the soldier has staid at home. He goes not to the Senate from Vermont.

Massachusetts sent one hundred and fifty thousand troops to the field. Since the war it has six times held a senatorial election, and no soldier was elected. The hypocritical policy of the Republican party is thus fully illustrated.

Let us see, however, about this dangerous person called the Confederate brigadier. Who is responsible for the introduction of the Confederate brigadier to the theater of national politics? Southern gentlemen are in Congress because they thought the country was restored to its normal relations; that the states were rehabilitated under the Constitution; that each state had the right to select its own representatives in both branches of Congress, and that they were not compelled to ask leave to come of any set of men from any part of the country.

They are right in being there. They are met, however, by a party with a violent unwelcome, with abuse and denunciation hurled as a key-note to party warfare by the great Senator from New York, and followed up by all the Senators on his side of the Chamber. There is something due to history on this subject. Is the Confederate soldier unfit to take part in the affairs of this government; or, is it in fact only the Confederate soldier who votes the Democratic ticket to whom they object? Is it the Confederate soldier *per se*, or does the objection to him only arise when he votes the Democratic ticket? If a Confederate soldier votes the Republican ticket, and indorses all the rascality that overwhelmed the South as a deluge during carpetbagism, do they not embrace him? None such have ever been cast out by the Republican party. On the contrary, all such have had seats of dignity and robes of honor assigned.

THE ROLL OF HONOR.

Grant appointed Brigadier-General Amos T. Akerman, of Georgia, to a seat in his Cabinet. A majority of the Republican Senators in the Senate to-day on their oaths voted to confirm as the first law officer of this government. They gave it to him to construe the Constitution, to interpret the laws, to render decisions binding for years, and perhaps for all time. General Grant put into the hands of Confederate Brigadier-General Amos T. Akerman the portfolio of justice, and a Republican Senate confirmed him; and why? Not because he was greatly learned in the law. Nor did they object that he had carried a sword, and killed whom he could, under the Confederate flag; he voted the Republican ticket, and that was enough; it washed away all his sins, and made him clean and pure in their eyes, though his sins had been as scarlet before.

The present administration has confided one of its very important Cabinet portfolios to another Confederate brigadier, Postmaster-General Key. It not only thus took him to their heart, but has provided that during his life or good behavior he shall sit as a United States judge to construe the law of the land. General Key, in the Senate, just before he was made a member of the Cabinet, in a speech said:

> And on this testimony, the falsehood of which is so apparent on its face, a state is to be disfranchised, and a President whom the people never elected, is to be placed in office.

Within but a few days of his appointment and confirmation, he not only announced that the present President of the United States was not elected President by the people at all, but further, that there was a plot to foist him into that office by disfranchising a state through the instrumentality of wholesale falsehood. He has never recanted this truthful statement. He has agreed to vote the Republican ticket, and doubtless he does so. It was on that condition that a Republican Senate confirmed this Confederate brigadier with an additional handicap in the shape of the speech quoted from above.

Going south of the Potomac one can still further illustrate the shameless, false pretensions of the Republican party on this subject. A Federal judge (Judge Hughes) is holding an office for life in Virginia. He was an original secessionist and the editor of a secession paper when the war broke out. He now construes the law over a large and intelligent population.

They have welcomed Confederate officers to the bench and to the Cabinet; they have welcomed them to foreign missions; they have welcomed them to official positions of every description, on the one sole condition that they would vote the Republican ticket. Party politics control this whole matter. When they vote the Republican ticket they are "loyal" brigadiers; when they vote the Democratic ticket they are "rebel" brigadiers.

Here, next, is another Virginian, John S. Mosby. Who was John S. Mosby? One time, it was a question whether his surrender would be received, whether he would be accepted as a prisoner of war, or whether he should be outlawed from that general amnesty which the government was then extending. There was a time when the name of Mosby paled the faces of men in the Capitol. There was a time when it was supposed he fought under a black flag, and that it could sometimes be seen from the dome in the soft sunlight on an afternoon. It was thought that his warfare partook of the nature of the guerilla, and such a belief largely prevails to this hour. But all is forgiven now; not only forgiven, but verily this most offensive Confederate warrior has rich reward. He embraced radicalism, and it in turn embraced him. Instead of some wounded Federal soldier occupying the position, the Republican Senate has confirmed John S. Mosby as consul at Hong-Kong, and he is now an American representative to the oldest empire on earth; he is among the Celestials.

The traveler in passing through Virginia naturally visits North Carolina next. Let us do the same. Thomas Settle, of North Carolina, is now a district judge of the United States, a life office of rank and importance. He was an officer of the Confederate army; he was a secessionist; he fought the battles of secession; he turned to be a Republican, and was made president of the Republican National Convention which nominated Grant in 1872 at Philadelphia. Afterward he was made minister to Peru, and he now occupies a high judicial station. The most profitable speculation a man who fought in the Confederate army can now engage in is to advertise himself ready to enter the ranks of the Republican party at a fair compensation.

Governor Holden, of North Carolina, was an original secessionist and a signer of the ordinance of secession which took North Carolina out of the Union. The Republican party, as soon as he had joined its ranks, made him governor of the state. He remained governor until he was impeached; but proven crimes did not seem to disgrace him with Republicans. Since then he has been appointed postmaster at Raleigh and confirmed by the Senate, and he is there now at a good, wholesome salary. Every weak or treacherous man in the South who for shams or for love of gain desires to abandon his friends and prey upon his own people is thus rewarded.

Take the Barringers; one of them is a United States judge in Egypt. They were Confederates; they are Republicans now, and they are cared for.

The United States district attorney of North Carolina, Mr. Lusk, was an officer in the Confederate army, and he was confirmed here. He was confirmed by Republican Senators.

James L. Orr, of South Carolina, was once speaker of the House of Representatives. He went into secession and armed rebellion, and was a Confederate officer. He afterwards joined the Republican party; and what a place they gave him! They made him minister to Russia, one of the four first-class missions, and this Confederate officer received it as his reward for joining the Republican party. Colonel Northrup of North Carolina is now United States district attorney. He was an officer in the Confederate army. In Mississippi let us see how the Republican party has managed its affairs. Major Morphis was the most prominent scout of General Stephen D. Lee's command, and he is now the United States marshal for the Northern district of Mississippi.

Captain G. W. Hunt was an aid to General Hardee, and he is now United States marshal for the Southern district of Mississippi. Ah! how the good things come to the regenerated! Thomas Walton—I knew him; he is in his grave, and peace to his ashes—was an aid to General Longstreet. He was appointed United States district attorney; and after his death he was succeeded by Green Chandler, a Confederate officer, who was at that time United States mail agent, and is now United States district attorney in the place of Walton, deceased.

Colonel G. W. Henderson was a colonel of cavalry in General Chalmer's division. He is now receiving the reward of his services as a United States revenue collector; and in order to make Republicans feel proud of their party in Mississippi, and to finish up the work properly, it only remains to state that the Republican candidate for state auditor in 1875 was Captain Buchanan, captain in the Second Missouri Cavalry at Fort Pillow. He is said, according to all accounts, to have fought fiercely in that memorable battle. Yet he received all the votes the Republican party had to give, as well as the prayers of his Northern friends who could not get to the polls to vote for him. With what devout aspiration Northern Republicans hoped for his success, and we have no doubt he could prove that he would have been elected if his supporters had not been bulldozed. Yes, he was a captain fighting at Fort Pillow under the Confederate flag. The leaders of the Republican party as the representatives of indignant loyalty against Confederate brigadiers take to their bosoms this Confederate officer, who bathed his sword in their blood at Fort Pillow.

There never was before a fountain of grace so wide, so deep, so exhaustless, so spontaneous in its unceasing flow, as that of the Republican party to Confederate officers, if they will only vote the Republican ticket!

Take Louisiana. We see one who was long in office there and who has made a great and bloody figure in history; a man of commanding military capacity—General James Longstreet. General Grant made him surveyor of the port of New Orleans, took his bloody hand in his—not only forgave but rewarded him, not only welcomed him, but said, "Come up higher." Who was Longstreet? Those who fought in the Wilderness speak of the dreadful shock of battle when they encountered Longstreet's corps, and the blood ran in rivulets. No braver, harder fighter ever drew sword or encountered our Union armies than Longstreet. He was educated for a soldier by his government, and he cost it more lives than any other one man who commanded no more than a corps in the Confederate army. Who was Longstreet at Gettysburg and at Antietam? An educated American soldier fighting with desperate courage to destroy our government.

When the history of the late war shall be written, alongside of the names of Gordon and Stonewall Jackson, of Joseph E. Johnston and Albert Sidney Johnston, will be written the military achievements of James Longstreet. Yet nothing stood between him and civil preferment the moment he was willing to turn his back upon his old comrades, who had shared with him the bloody charge, the nightly bivouac, and the overwhelming disaster that fell upon them all at the close.

It is proposed to

APPEAL FOR FAIRNESS,

for common honesty and common decency. It is not intended that the record shall be made up in the interest of injustice. It is not in the power of Republican Senators to make it up in the way they propose, for the truth is not their way. Their accusations shall recoil on their own heads. Their charges rest upon false foundations. If there is guilt at all on this subject the leaders of the Republican party are themselves the guilty parties.

THE NEGRO EXODUS.

In the fall of 1878 public attention was attracted to the wholesale importation of negroes from certain Southern states to the Northwest. Kansas was first selected as the objective point of the exodus. The migration began from the states of Mississippi, Louisiana, Arkansas and Texas. Companies of negroes, destitute of clothing, furniture and money, appeared upon the various landings along the southern Mississippi and embarked in steamboats for St. Louis. A great majority of the emigrants had no idea where their future homes were to be. Emissaries of the Republican party had visited them in their cabins and had followed them through the rice, cotton and sugar fields of the South, tempting them, with promises seductive and false, to leave their homes and move to the North. Tales extravagantly untrue were told them of fortunes to be made without work in the Western states. All were to be given easy employment at wages which, to the uneducated negro, seemed fabulous in amount. They were told that the white men of the North were waiting with open arms to receive them. Bible illustrations, which always impresses the mind of the negro, were used to promote the scheme. A new Canaan was promised, with a modern Moses to lead them into a land of milk and honey. They were promised from 80 to 160 acres of good land apiece, and assistance in the construction of houses and the purchase of stock. It is not strange that these tempting offers were eagerly embraced. Comfortable cabins were deserted, the women and children, scantily clad, were moved to the nearest railway stations and steamboat landings, and the natives of the warm South set forth to endure the rigors of a cold northern winter, ignorant of what the future had in store for them, but with blind confidence in the promises of their seducers.

WHAT ATTRACTED PUBLIC ATTENTION.

The first idea the people of the North had of the extent of the exodus was the cry which came from the municipalities of St. Louis, Kansas City and Leavenworth. The emigrants were arriving in those cities by scores daily. They were for the most part utterly destitute. Sickness spread among them. They cried for bread. The men who had enticed them from their homes could not be found. The negroes, like a flock of frightened sheep, ran hither and thither trying to learn where the Canaan they had been promised was situated, and what Moses could be found to pay their railroad fares into the promised land.

The citizens were sorely taxed to prevent the innocents from dying of cold and starvation. Proclamations were issued by the mayors, and an attempt to stop the exodus was made. Many of the negroes who were provided with funds returned to their homes. Others were given assistance to return. The stories told of their treatment dissuaded many of their friends from emigrating, but it was found impossible to entirely stop the tide. The radical press of the

North encouraged the exodus. It represented the negro as a martyr, denied the natural rights of man, defrauded, oppressed and discriminated against in the race of life, liberty and happiness, followed by bloodhounds, hunted with shotguns and outraged beyond description. In strange contrast with this bloody-shirt howl were heard the voices of the white people of the South urging the negro to remain at home, warning him of the dangers and trials to be undergone in emigrating to an unknown land in a different clime.

REPUBLICAN LEADERS SEEK TO TURN THE EXODUS TO ACCOUNT.

The Republicans in Congress also encouraged the exodus. The leaders of the party were in the secret of the trick which had for its sole purpose the manipulation of the negro vote in the states where Republican supremacy was endangered. On the 16th of January, 1879, Mr. Windom introduced in the Senate the following resolution :

> *Resolved*, That with a view to the peaceful adjustment of all questions relating to suffrage, to the effective enforcement of constitutional and natural rights, and to the promotion of the best interests of the whole country, by the elimination of sectionalism from politics, a committee of seven Senators be appointed by the chair, and charged with the duty of inquiring as to the expediency and practicability of encouraging and promoting by all just and proper methods the partial migration of colored persons from the states and Congressional districts where they are not allowed to freely and peacefully exercise and enjoy their constitutional rights as American citizens into such states as may desire to receive them and will protect them in said rights, or into such territory or territories of the United States as may be provided for their use and occupation ; and if said committee shall deem such migration expedient and practicable that they report by bill or otherwise what in their judgment is the most effective method of accomplishing that object ; and that said committee have leave to sit during the recess.

In February following Mr. Windom made a speech on this resolution, in which, after flaunting the bloody shirt, he said :

> If it should cost a few millions to provide the territory for them, who would weigh that fact in the balance against a solution of the most perplexing and dangerous problem that menaces our future as a nation, the performance of partial but tardy justice to a race, and the permanent pacification of the country ?

Again, he said:

> Let it be understood that such a place is ready for them, and the bishops and ministers of their various churches will head the exodus to the promised land with songs of praise and devout thanksgiving to God for this mighty deliverance. Do you say they are too poor to pay the expenses of the proposed journey ? Doubtless the great majority are so, but the enterprising, the intelligent, and the ambitious will find some means of getting there ; and should any difficulty occur at this point, the patriotism and philanthropy of the people may be confidently relied upon to organize and provide the needed funds.

Mr. Windom struck the key-note of the Republican campaign with the negro in the words above quoted. Aid societies to assist the negro to emigrate were organized, and contributions were taken up in the churches to help on the campaign work. These societies were first formed in Washington and St. Louis. A few months afterwards the exodus took a new direction, and the Republican conspiracy was then unmasked. "On to Indiana" was the watchword whispered into the ears of the negro by the agents of the Republican party. Senator Voorhees, in his speech in the Senate on the 4th of June, 1880, said:

> I shall not dwell on the well known and well proven fact that as early as the autumn of 1878 Republican newspapers in Indiana, edited by Republican Federal officials, were openly and systematically engaged in encouraging negroes to come and settle in that state, avowedly for political ends. A Democratic state ticket had just been elected by 13,000 majority, a Democratic legislature by a majority still larger, and the camp of the Republican party was desolate, its colors were in the dust, its haughty pride was broken, and it cried out piteously for the negro to come, and to come in large numbers, to its aid. Passionate appeals were made editorially, and circulars were printed of the most enticing character for distribution in the South. The *Banner*, a very prominent Republican paper, published at Greencastle, Indiana, and edited by Mr. Langsdale, the postmaster at that large and important town, appears to have been selected to do most of this work, while the whole Republican press of the state and all the leaders of that party stood by either in silent or outspoken approval of its course. Not a whisper had been heard from the negroes themselves on this subject up to that time. The thought of emigrating in large bodies from their homes in the South had not until then occurred to them. But in seeking the origin of the negro exodus I am not confined to the Republican papers and postmasters of Indiana. There is high authority in this body for the assertion that it was conceived in the brain of a Northern white man, and not in that of a Southern black man.

THE MOVEMENT ON INDIANA

was begun simultaneously from Virginia and North Carolina and from Kansas. Agents were sent into the states first mentioned to start the exodus there, and the negroes who had previously been started into Kansas were solicited to leave that solidly Republican state and swell the army that was expected to make Indiana Republican. The object of the exodus was so apparent, the sufferings which the negro would be forced to undergo to gratify the political ambition of the Republican leaders were so evident, that the Senate passed the following resolution, introduced by Mr. Voorhees, on the 15th of December, 1879 :

> Whereas, large numbers of negroes from the Southern states, and especially from the state of North Carolina, are emigrating to the Northern states, and especially to the state of Indiana ; and
>
> Whereas, it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens towards them in the South : Therefore,
>
> *Be it Resolved*, That a committee of five members of this body be appointed by its presiding officer, whose duty it shall be to investigate the causes which have led to the aforesaid emigration, and to report the same to the Senate ; and said committee shall have power to send for persons and papers, compel the attendance of witnesses, and to sit at any time.

The testimony taken by this committee showed beyond peradventure that the negro exodus was a well-organized political scheme to vote Southern negroes in certain close Western states where Democratic success would be fatal to Republican national supremacy. In this scheme the negro was to be used as a mere tool, regardless of his own well-being or the future of himself and his family. Witnesses from all of the states whence negroes had migrated, the agents of the movement, organizers of aid societies and colored men who had participated in the exodus in any manner were examined.

O. S. B. Wall, a colored resident of Washington, who helped to organize the National Emigrant Aid Society, testified that three of these societies were organized in Indiana, one at Green Castle, another at Indianapolis and a third at Terre Haute. These organizations were of a secret character and their object was to transport pauper negroes from the South into Indiana.

A SPECIMEN AGITATOR FOR THE EXODUS.

One of the most conspicuous of the negro agitators was Gen. S. W. Conway. This person has lived on the proceeds of his efforts to benefit the colored race for nearly twenty years. He first appears as a commissioner of the unfragrant Freedman's Bureau for Louisiana and Alabama. When that swindling concern evaporated he became Superintendent of Education for Louisiana, an office which he filled as long as the carpet-baggers were permitted to plunder and rule that unfortunate state. Since 1873 he has been identified with the "interests" of the colored people in one way or another, always managing to keep well fed, well clad and never entirely without money. In less than one month after Mr. Windom's speech was printed Conway appeared in Washington for consultation with the Republican leaders in regard to the exodus. The late Zach Chandler, Chairman of the National Committee, took Conway to his bosom, encouraged him to work up the exodus and said that the funds necessary to carry out the scheme would be raised. Six months before the negroes began to arrive in Indiana Conway went to Indianapolis and there prepared the programme of the exodus with the Republican leaders of that state. He talked with John C. New, Chairman of the Republican State Central Committee, E. B. Martindale, Postmaster Holloway and others. They conversed together about the prospects of carrying Indiana for the Republicans, and the idea of importing negroes for that purpose was approved. After fixing matters in Indianapolis Conway went to St. Louis and Kansas City and was partially successful in diverting the tide of immigration from Kansas to

Indiana. He then returned to Indianapolis to report the result of his labors. The scheme was concocted with careful deliberation, and it received the approval of the principal politicians in the Republican party, national and state. Mr. Conway in his testimony before the investigating committee admitted it. Being examined by Mr. Windom, he said:

> Q. Do you know of any effort to colonize any state with negro voters? A. There has been some talk about it, and I have been trying to help carry Indiana by their aid.
>
> Q. What have you done in that direction? A. I encouraged as many of them to go there as I could; first, because I believed they could get good wages, and, second, to help out the Republican cause and raise the negro to a higher civilization. I think he is a good Republican and a good loyal citizen, and should be allowed to vote; therefore, I have not liked the idea to exclude politics from the exodus. I think the negro ought to go where he can do the most good for himself and the Republican party.
>
> Q. Hasn't it been something of a failure rather—your trying to get them to go to Indiana? A. Yes, sir; I think so. I have been desirous to see a good many of them go in there. I wanted to see the Democrats beaten, and I wanted the negroes to go in there and help do it.
>
> Q. How many voters do you suppose have gone in there? A. If all had gone whom I advised to go there would have been fifteen or twenty thousand.

THE CONSPIRACY TO CARRY INDIANA PROVED.

The existence of the conspiracy was proven out of the mouth of its chief agent, a Republican witness, examined by a Republican Senator. The infamous plot to subvert the will of the people of Indiana by the importation of pauper negroes was fully proven. That the plot failed was not due to the unscrupulous zeal of its Republican authors. Employees of the reform administration of R. B. Hayes assisted in the nefarious task of colonizing Republican voters in Indiana. H. W. Mendenhall, of Wayne Co., Indiana, a government clerk in Washington, was a member of the original immigrant society. He made a speech to the society advising the importation of negroes to Indiana for political purposes. He corresponded with Colonel Dudley, U. S. marshal of Indiana, who wanted the negroes to come into Indiana but wisely preferred that the exodus should not be known as a Republican movement.

After Conway had finished his persuasive labors in Kansas, the tide of immigrants from North Carolina began to flow. They came by hundreds on almost every train from the South, filling the air with complaints of their poverty at home, and indulging in the wildest anticipations of the paradise they were to enter in the Hoosier state. These immigrants were composed of the lowest and most impecunious class of negroes in North Carolina. They had been furnished with transportation by the agents of the conspiracy. Many of them were destitute of food, a majority were insufficiently clad and not a few had been provided with tickets which were good to Washington only. They had been taken away from their homes and were left to the charity of the public for means to complete the journey. Hundreds of them remained in Washington for days at a time waiting for the emigrant aid society to raise funds to carry them on to Indiana. It was well known that the negroes must endure great suffering after their arrival in Indiana. The people of that state, regardless of party, had never desired the presence of a large pauper negro population among them.. There was no demand in Indiana for their labor, and no prospect that they would better their financial or social condition by the change.

The people of North Carolina had treated the negro with kindness. His condition there had steadily improved since emancipation, and the exodus from that state would never have occurred but for the false promises of Republican emissaries and the lying tales printed in exodus circulars.

Another proof of the fact that the exodus was caused by Republican politicians is afforded by the testimony of Wm. B. Tinney, passenger agent of the Baltimore and Ohio Railroad at Indianapolis. A party of emigrants were stranded in Washington for lack of money to pay their railroad fares. Mr. Koontz, the agent of the road at Washington, telegraphed Mr. Tinney to call upon three prominent Republican politicians in Indianapolis and obtain $625 to pay the transportation bill. Mr. Tinney obeyed instructions. The money was promptly given him and the delayed emigrants were immediately sent on to the Hoosier state. Every circumstance indicates that this money was raised by the Republican State Central Committee.

The evidence taken by the committee showed conclusively that the negroes were not wanted in Indiana. Every witness except Republican office-holders and politicians testified, that, to use the words of Mr. Voorhees, "such an influx would be the abomination of the people of the state; that the supply of laborers was far greater than the demand, and had been for many years, especially since 1873; that the negroes already imported there had fallen upon hard lines, many of them not employed at all, objects of daily charity, and others obtaining a precarious subsistence from temporary and uncertain engagements."

THE PROSPEROUS CONDITION OF NEGROES IN NORTH CAROLINA.

The committee also investigated the condition of the negro in North Carolina, and ascertained by a line of unbroken and uncontradicted testimony that there is not a single right or privilege belonging to any citizen of the United States that is not enjoyed by the colored residents of North Carolina.

Charles N. Otey, an educated colored native of North Carolina, testified before the committee. His evidence is so strongly in contrast with the statements of Radical politicians concerning the position of the negro in that state that an extract is given. He said:

> In North Carolina the most kindly relations exist between the white and colored people. At the last celebration of the day of the emancipation proclamation the whites, all of whom had owned slaves, paid three-fourths of the expenses necessary for making it a success. They not only did this in Raleigh, but in other places where the day was celebrated.
>
> The colored people as a mass are more intelligent than in any other state in the South. They always had more opportunities for acquiring an education. There are at least five schools in the state where they can get a scholastic education, and almost every town has a graded school.
>
> They have what no other state in the South possesses—an asylum for the deaf, dumb and blind. A Democratic legislature has appropriated money for the erection of an insane asylum; at present the colored insane are in the white asylum, than which there is no finer in this country.
>
> The free schools are open for all, and colored teachers are always employed in preference to whites.
>
> There are numbers of colored lawyers who have made a name at the bar; doctors who have successful practice; farmers who own their farms and carry their own cotton to market. Why, Raleigh, a city of about thirteen thousand inhabitants, half of whose population is colored, has grown within the past five years to such extent that I could scarcely recognize my native city. There are more colored people who own their own houses than there are in the city of Washington. Their beautiful cottages are to be seen everywhere.
>
> As I beheld this sight I said to myself, why does not the emigration begin at Washington?
>
> In one word I say that the cause of the exodus from North Carolina can be found in the purses of the men who furnished Perry and Williams with the means.
>
> In my opinion the time will come when those who have encouraged this movement will repent in sackcloth and ashes.
>
> In my humble judgment, in December, 1880, many colored men who are now feasting on the lamb in Indiana will be begging for money to pay their way back to old North Carolina.

Mr. O'Hara, the Republican candidate for Congress in the last election, testified before the committee. He said:

> I do not know of any state in the American Union where there is a better feeling between the white and colored people than in North Carolina. It is a very usual thing to see, on the day of election, the landlord and the tenant, the employer and the employee going to town in the same buggy and voting different ways. I have even wondered why it was that the employer could influence his tenant or employee on every other subject except voting. I think I ought to say with regard to Captain Wall's testimony, as it will all come before the House in due time, that in my defeat, or rather my being counted out, the Republicans had more to do with it than the Democrats, and I say that the colored Republicans of the South have more to fear from the white Republicans than the Democrats. And there is always a combination between the white Republicans against any intelligent colored Republican who seeks to aspire to office.

THE SAD STORIES THE EMIGRATING NEGROES TOLD.

The committee did not listen alone to the statements of those emigrants who had settled in Indiana. They heard the stories of dozens of deluded colored people who had learned by bitter experience that the exodus was a fraud and a cheat, originated to benefit the Republican party at the expense of the negro. Old colored men, hungry and footsore in their efforts to return to the comfortable homes which they had left in the Southern states, related their experiences.

The statements made by Mingo, Simmons, Green, Ruffin and others of their treatment in Indiana almost paralleled the tales which the Radical newspapers used to unfold day after day during the campaign of 1876. Ruffin, after suffering in the land of his adoption, concluded to return to the land of his birth. He announced his determination to go.

> "Did any of them advise you to stay ?" asked a committeee man. "Yes, sir," was the reply. "They said, they did not blame you emigrants for wanting to go home, but said, you try and stay until after the presidential election and then we think it best for you to go home ; and I said, all right, and I went on my way and come here."

Ruffin also testified that he was induced to go to Indiana by a general promise made to the colored men that they should

> receive $15 a month on a farm, house to live in, firewood furnished and a cow and a calf to milk extra for each family.

The first object of the politicians who organized the exodus was undoubtedly to revive sectional agitation and bitterness by the circulation of untruthful stories about Southern outrages, whippings and bulldozing. The idea of colonizing Indiana was born almost simultaneously with the execution of the plan for moving the negroes into Kansas. Agencies were established at Topeka and at St. Louis, which dealt largely in the manufacture of campaign stories of the outrage type.

A CONSERVATIVE SOUTHERN VIEW.

Senator Lamar, of Mississippi, made a speech in the Senate on the 14th of June, in which he discussed the question of the exodus from a conservative Southern point of view. The evidence taken by the committee had convinced him that the exodus was planned by Republican politicians for political purposes. There was nothing in the condition of the states from which the emigration proceeded to drive labor from the pursuits in which it was actively and profitably engaged, and nothing in the condition of the states to which the emigration proceeded to call for such an influx of labor. Mr. Lamar said that if the negro believed it to be for his best interests to leave the South he would bid him go. If they were deluded, the delusion would soon be exposed. He said that the planters of Mississippi, even while he was speaking, were in communication with laborers in Kansas and Indiana, looking upon them as more accessible sources of supply than the laborers of Georgia and Alabama. In a single sentence Mr. Lamar gave the true history of the exodus. He said :

> It was a movement concocted outside of the South, having no connection with the wants of labor or the demands of capital, but set on foot for the purpose, in part, to obtaining partisan ascendancy in a northern state ; in part to diminish the basis of representation in the South in the approaching census ; and lastly, to renew the agitation of "Southern outrages " in the coming presidential election."

He went on to say, that for every black man who left the South the planters would have a white immigrant from the North, better skilled in labor and more advanced in intelligence and more political experience. His speech was a most emphatic refutation of the oft-repeated charge, that the South is the home of disorder, outrage and lawlessness. From the labor statistics of the government he showed that in Mississippi, a population of 581,206 above the age of ten years was reported, of which number 318,850 were employed in bread-getting, while in Minnesota, the state which the sensational exodus agitator, Mr. Windom, represents, only 132,657 out of a population of 305,568 (Census 1870), were employed in bread-getting. The occupation of such a proportion of the citizens of Mississippi in peaceful labor was incompatible with a condition of lawlessness and disorder.

HOW THE POOR FREEDMEN WERE SWINDLED.

THE WICKEDEST AND MEANEST OF ALL THE FRAUDS THE REPUBLICAN PARTY IS RESPONSIBLE FOR.

They would pillage the palace of the King of Kings,
And strip the gilding from an angel's wings ;
Cheat the living, rob the dead,
And deprive the orphan of his crust of bread.

The wickedest and meanest swindle which the Republican party is responsible for was that practiced upon the ignorant and helpless freedmen. The Freedmen's Savings Bank was intended by the majority of its first board of trustees to be a worthy institution. The conception was a good one. Philanthropists lent their names and their influence to it, and men like Chas. Sumner, Peter Cooper, William Cullen Bryant, A. A. Low, S. B. Chittenden, John Jay and Gerritt Smith were among its trustees. Under these excellent auspices it was ushered into existence. Its sponsors were men of character, but its originators were the most cunning, the most unscrupulous, and the most influential leaders of the Republican party. The men who governed and mismanaged the bank after its organization, and who robbed the trusting freedmen of their hard-earned savings, were hidden behind this cloud of philanthropists, and the cowardly scheme for plundering the ignorant colored people was matured before Mr. Sumner was induced to introduce the bill which gave the men, with whom Gen. Garfield was involved in at least one corrupt transaction, the power to carry out their design. Sneak thieves are brave men compared with the crowd of politicians who robbed the Freedmen's Savings and Trust Company.

ORIGIN OF THE BANK.

The freedmen who first, in any numbers, earned more money than was sufficient to meet their daily wants, were those who enlisted in the Federal armies. The institution which has done so much injury to the race is the outgrowth of a couple of savings banks started by Generals Butler and Saxton at Beaufort, S. C., and Norfolk, Va. They were simply for the colored troops, but it began to be indicated by the deposits made in them that the race, or a large part of it, was inclined to be thrifty. Deposits accumulated to such an extent that the shrewd, calculating spirits in Washington saw their opportunity. They lived on plunder, and here was an undreamed-of hoard in the labor of freed negroes on which they might fatten.

Some mysterious person, presumably one of those who afterwards became one of the managers of the bank, drew a bill in the winter of 1864–5 chartering the institution. It was a bill giving the concern the ordinary powers of a savings bank. Ostensibly the bill was to induce the freedman to save his money and to educate him to habits of thrift. A gloss of charity was spread over every page, and its purpose recommended it to the kind friend of the negro, Charles Sumner who introduced it into the Senate on the 17th of February, 1865.

The following taken from the speech of Hon. William S. Stenger of Pennsylvania is the precise truth concerning the origin of the bank:

> They [freedmen] were entirely unfitted to make safe and remunerative investments of their money. Here was a proposition to render them necessary assistance, by providing them a depository where their funds could be received and invested for their benefit in the stocks, bonds, treasury notes or other securities of the United States. It was a lofty and laudable purpose. It was calculated to encourage the freedman to the exercise of industry, so that he might make money, and to the practice of frugality, so that he might husband his resources and thus provide for the wants of himself and family against the coming of old age, sickness, and death. And with this purpose Mr. Sumner could not but feel the heartiest sympathy. In the short debate in the Senate on the bill, he characterized it as a simple charity. He ingrafted in it an amendment requiring the officers of the bank to give security. But it never occurred to him that it was necessary to inspect, line by line, a bill that had been placed in his hands by men known as the professed, zealous friends of the freedmen. He never dreamed that there might be a predetermination on the part of these men to abuse the great trust then about to be placed in their hands. Had such a thought occurred to him, I do not doubt that additional restrictions would have been imposed, and some very important provisions added.
>
> But, sir, devilish cunning and ingenuity played their part, and played it well, in framing this act of incorporation. There were men who saw in this project a golden opportunity to make money for themselves.

The bank was marked by evil from its birth. Bad men conceived it, and hidden away in the bill which Mr. Sumner introduced were the opportunities for the iniquities which ultimately brought ruin on the best of the negro race, and sent them back, dispirited and hopeless, into the poverty from which they had hoped to escape. No sooner was the bill before Congress than a lobby was gathered in its interest. It was a lobby of bad men, who had much influence with the Republican party.

THE WORK OF THE LOBBY.

When the bill was introduced, the powers conferred by it as to extension were unlimited. The managers might set up branches of the bank anywhere within the United States. The attempt was made to pass the bill through the Senate without reading, but Mr. Buckalew called attention to the fact and said:

> I have read the bill; it is in proper form, and the only question is whether we ought to establish such an institution outside the District of Columbia.

After a short colloquy, Senator Powell of Kentucky said:

> I find by the reading of that bill that it is a roving kind of commission for these persons to establish a savings bank in any part of the United States. I think the bill is wholly unconstitutional. I do not believe Congress has any right to establish a savings bank outside of the District of Columbia.

Mr. Sumner thereupon agreed that the bill might be amended so that the bank should be confined to the District of Columbia. This amendment was adopted by the Senate, so that the bill passed by that branch of Congress confined the bank to the District of Columbia.

The lobby seems to have followed the bill to the engrossing clerk's office, for it was not engrossed as it passed the Senate. Some one was interested in securing the roving commission of which Senator Powell spoke, and had power and influence enough to manipulate and change the bill while it was in the hands of the clerks of the Senate. At any rate, when the bill reached the House the amendatory words were not in it.

The following colloquy took place in the House on this subject:

> Mr. Ganson: I would ask where this bank or association is to be located?
>
> Mr. Eliot: In Washington City.
>
> Mr. Ganson: It is not so stated in the bill.
>
> Mr. Eliot: That is an error. Then I ask unanimous consent to insert after the words "body corporate" the words "in Washington City, District of Columbia."

> No objection was made and the amendment was adopted.
>
> Mr. Ganson: I think there should be among the corporators the name of some person in this District.
>
> Mr. Eliot: I move to amend by inserting the name of Salmon P. Chase among the trustees.
>
> No objection was made and the amendment was accordingly agreed to.

The lobby was as potent in the House as in the Senate. The bill was sent back to the Senate in precisely the same form as it had gone to the House from that body. There was no allusion made to the amendments in the message from the House; there were no amendments in the body of the bill, which was signed by the Vice-President and Speaker of the House.

THE BILL, THEREFORE, BORE ALL THE INDICATIONS OF FRAUD.

At the outset it was evident that dishonest people were eager for its passage, and that they had been able to call to their assistance the committees on enrolled bills and employees of both Houses of Congress.

Mr. Stenger said concerning the fraud that marked the passage of the bill:

> "Again, this charter, as originally framed, contemplated the widest possible stretch of territory for the operations of the company. It did not mean to be hemmed in by any sort of inconvenient limitations. Its missionaries were to be commissioned to go into all the States of the Union, and, while proclaiming themselves as the deliverers of the bondmen and teaching the latter "to toil and to save," to gather in their little savings, so that the Ring might have immense sums upon which to speculate and grow rich. * * * * * * * * *
> The history of the legislation is interesting, not only as showing the extent of the powers conferred upon the corporation, as understood by the Senate and House, but also as showing a juggle or trick by which the charter was illegally procured, and the freedmen deprived of the services and protection of one of their warmest and staunchest friends. It shows that the act was conceived in fraud and brought forth iniquity.

FRAUD IN THE ORGANIZATION.

The motive for surreptitiously striking out the amendments confining the bank to the District of Columbia were soon seen. The first act of the company was to establish the bank or principal office at New York. This went even beyond the charter as it passed, after its manipulation by the conspirators. The organization of the company was effected May 16, 1865. A branch bank was established in Washington, August 1st, and during the year other offices were established at Louisville, Ky., Richmond, Va., Nashville, Tenn., Wilmington, N. C., Huntsville, Ala., Memphis, Tenn., Mobille, Ala., and Vicksburg, Miss. During the course of its history other branches were established at Beaufort, S. C., Jacksonville, Fla., Baltimore, Md., Alexandria, Va., Natchez, Miss., Newbern and Raleigh, N. C., St. Louis, Shreveport, La., Columbia, Ga., Lynchburg, Va., Macon, Ga., Lexington, Ky., Little Rock, Ark., Atlanta, Ga., New Orleans, Norfolk, Va., Tallahassee, Fla., Philadelphia, Augusta and Savannah, Ga., and Montgomery, Ala. These were intended to be feeders to the central concern, but they were simply aids to the plunder of the freedmen.

The politicians and conspirators soon got possession of the institution. The only man among the original trustees whose name is smirched by his connection with the bank is James W. Alvord. It is unfortunate that the Bruce committee, in its recent investigation, did not secure the testimony of this man concerning the manner in which the charter was manipulated during its passage from one House to the other. He did appear before the committee, but begged off because he was then on his way to Colorado to advance to his two boys some "means" with which to engage in speculations. That was the last of him so far as the committee was concerned. How much of the "means" he was about to advance he had gleaned from the toiling negroes of the South, he never explained.

This man was evidently the

ADVANCE PICKET OF THE ARMY OF PECULATORS,

for whose introduction into the management of the bank a way had been carefully prepared in the charter. The number of the trustees was fifty, and it was provided in the bill that if a trustee failed to attend a meeting of the board for six months his place should be considered vacant, and a vote of any ten trustees could fill the vacancy. James W. Alvord was an excellent man to take advantage of this provision. The trustees had faith in him. He was corresponding secretary of the bank, then vice-president and finally president. He was a professional philanthropist, a kind of man who goes about doing good—for pay. He had always been a friend of the negro, and had been connected with the Freedmen's Bureau at different times as inspector of schools and finances, and again as superintendent of schools. He claims to have been the originator of the bank. Its management was left largely in his hands from the first, and, taking advantage of the confidence reposed in him, he proceeded to carry out the original design of the institution. As soon as vacancies occurred in the board he secured the election of the men, then the bright particular stars of the Republican party in Washington, the future captains of hosts during the Grant administration and members of the District Ring.

The proper kind of persons for his trustees being secured, the charter gave the power of the board into the hands of a quorum of *nine*, and, more astonishing still, only seven votes were required to make "any orders for, or authorizing the investment of, any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom."

THE LAW WAS FRAMED TO FACILITATE THE FORMATION OF A RING.

By another regulation the control of the assets of the institution was given into the hands of even a smaller number of men. A finance committee of five trustees was appointed

> To exercise a general supervision and control of all the funds, securities and property of the company—to direct as to the temporary deposit or loan of funds, and as to the investment thereof.

Three of this committee constituted a quorum, and these three, during the years of the mismanagement of the bank, were three notorious members of the District of Columbia Ring, men with whom Gen. Garfield had intimate personal and political relations, and for his influence with whom he once received a bribe of $5,000. They were Henry D. Cooke, at one time governor of the District, and brother of Jay Cooke, W. S. Huntington, and Lewis Clephane. It was through these men and J. W. Alvord that the swindling operations were conducted. Huntington was cashier of the First National Bank of Washington, of which Cooke was president, and was connected with the Metropolitan Paving Company. Clephane was a member of the "District Ring" in a general way, and president of the Metropolitan Paving Company. With these three of the finance committee were associated Le Roy Tuttle and J. M. Brodhead, but they left everything to the "quorum." Tuttle was Assistant Treasurer and Brodhead Second Comptroller of the Treasury Department. Their duties seem to have been confined to ratifying anything done by their associates. They very seldom attended any of the meetings of the finance committee, and when one of the three was absent, the other two acted and took their decision to one of these faithless treasury officials for ratification.

Everything being prepared for the business of fraud, the managers went to work to secure deposits. The first and chief recommendation in the eyes of the negro was the name of Abraham Lincoln, signed to the charter of the bank. This was taken advantage of by the Ring. At first a newspaper was published for Southern distribution, and circulars sent out assuring the negroes that the man whose memory they cherished as their emancipator approved and fostered the institution. The announcement was:

> The whole institution is under the charge of Congress, and received the commendation and countenance of the President, Abraham Lincoln; one of the last acts of his valued life was the signing of the bill, which gave legal existence to this bank.

The intention was to deceive the negroes by making them believe that the bank was under the care of the government. This is further borne out by the fact that there was printed in the pass-book issued by the bank the following:

> The government of the United States has made this bank perfectly safe.

This was as bald a case of lying as can be found.

THE EVIDENCE OF ANSON M. SPERRY

on this point will be found interesting. He was continuously in the service of the bank during its existence.

> Q. Do you know whether at Vicksburg, or any other branch, the inducement was held out to depositors to deposit in that bank because it was a government institution? A. I think it was.
>
> Q. That inducement was made to induce persons to deposit; that it was a government instiution, and that the government was bound to the depositors? A. Yes; I cannot say especially at Vicksburg, though I think that that foolish policy was adopted there.
>
> Q. Did they not represent that the deposits made by individuals would be guaranteed by the government of the United States? A. I think they did, but I will qualify my answer by saying that I am not certain as to Vicksburg, though I think so; but of this I am certain, that you will find on many of the pass-books of the New York branch these words, in English, French and German: "The government of the United States has made this bank perfectly safe."

In this way the confidence of the negro was gained. Gen. O. O. Howard, then head of the Freedman's Bureau, organized simultaneously with the bank, added his certificate, as follows:

> I consider the Freedmen's Savings and Trust Company to be greatly needed by the colored people, and have well earned it as an auxiliary to the Freedman's Bureau.
>
> O. O. HOWARD, Major-General.

The Bruce committee, appointed last winter by the Senate to further investigate the bank, finds that the bank was well managed till 1868. It was in that year that the conspirators obtained full possession, and elected Alvord president. They were storing up material for plunder, however, during these three years. Tracts touching on the beauties of frugality were distributed. Some of these were in poetry, of which the following is a fair specimen:

'Tis little by little the bee fills his cell,
And little by little a man sinks a well;
'Tis little by little a bird builds her nest,
By little a forest in verdure is drest.

'Tis little by little great volumes are made;
By little mountains or levels are made;
'Tis little by little an ocean is filled,
And little by little a city we build.

'Tis little by little an ant gets her store;
Every little we add to a little makes more;
Step by step we walk miles, and we sew
stitch by stitch;
Word by word we read books, cent by
cent we grow rich.

These artifices proved successful. The negroes deposited their little earnings in the branch banks of the south, being told that they could draw them out at any time. This was another deception, for the money was sent to the central bank at Washington, whither it was removed in 1867. Deposits came in rapidly. During the first ten months of its orginization

THE BANK RECEIVED DEPOSITS

amounting to $305,167. For the year ending March 1, 1867, the deposits were $1,624,853.33; for 1868, $3,582,378.36; for 1869, $7,247,798.63; for 1870, $12,605,781.95; and for 1871, $19,952,647.36. When the bank was forced into liquidation in 1874 the total deposits had reached $56,000,000; the amount paid out was $53,000,000, leaving a balance of $3,000,000 due depositors, and of this $2,902,033.55 was due colored persons. The following payments on this have been made by the commissioners in 1874 appointed to wind up the affairs of the bank: November 1st, 1875, a dividend of twenty per cent. was declared. Of this about $44,000 remains still unpaid. A second dividend of ten per cent. was declared March 20th, 1878. About $40,000 of this remains unpaid. The commissioners have on hand about half enough cash for another ten per cent. dividend, and a bill has been introduced in Congress authorizing the sale of the real estate of the bank in order that a final dividend of fifty per cent. may be paid.

SHAMELESS FRAUDS ON THE NEGRO.

Mr. Stenger, speaking of the losses by the negroes, said:

> But these losses, important as they may seem (the losses at the branch banks), are utterly insignificant compared with those sustained by reason of the irregularities and frauds practiced in the principal office at Washington. Here it was that men intent on plunder found and tilled the richest field. I venture the assertion that the history of all the banks in America does not disclose a record of such shameless disregard of law and wanton violation of rights as does the history of the principal office of the Freedman's Savings and Trust Company. Here, in the American Congress, I arraign at the bar of public opinion the men who have heartlessly speculated upon, misused, squandered and sunk the hard earnings of a helpless race of people, whom they were hypocritically pretending to befriend. And I cannot but think it strange that successive Congresses, certainly large majorities of those who claim to be the only true friends of the colored people, should not have taken sufficient interest in their welfare, and watched the operations of those in charge of this company, so as to have prevented this terrible abuse of a sacred trust, and consequent shameful plunder of the freedmen. The charter provided that the books of the corporation shall at all times during the hours of business be open for inspection and examination to such persons as Congress shall designate or appoint; but no such persons were appointed. This failure on the part of these pretended guardians to exercise the necessary vigilance for the thorough protection of these people is in the highest degree reprehensible. But when it is taken into account that the legislation enacted by Congress helped to facilitate the swindling operations of the ring, words are powerless to express the enormity of their conduct.

Thus it will be seen, by the neglect of the first board of trustees to act, the worst members of the District Ring got control of the bank, and by the influence they had over Congress a legislation was procured which gave opportunity for the methods of swindling which remain to be narrated.

The leading members of the Ring appear to have been H. D. Cooke, William S. Huntington, Lewis Clephane, the three members of the finance committee who, strangely enough, were the three who alone always had time to attend its meetings, and who invariably constituted the quorum for the transaction of business; D. L. Eaton and Geo. W. Stickney, the two actuaries. These were the "pals" inside the bank. The outside "pals" were Alexander R. Shepherd, Hallet Kilbourn, John O. Evans, J. V. W. Vanderburg, and some others.

The following paragraphs are submitted as illustrations of how shamelessly long-established banking and business principles were disregarded; how all sense of responsibility and sacred trust was sunk in the mire; how individual honesty, personal honor, and official duty were swallowed up in the greed for gain; how professional philanthropists proved to be as

WHITENED SEPULCHRES.

Henry D. Cooke was president of the First National Bank of Washington; he was a member of the firm of Jay Cooke & Co., the financial agents of the government, and he was president of the finance committee of the Freedmen's Bank. William S. Huntington was cashier of the same National Bank. Among the first business transactions of the "quorum" of which these two men made the majority, was the making of the First National Bank the depository of the funds of the Freedmen's Bank. This made it convenient for the National Bank to act as the agent of the savings bank in making its investments. Consequently, Messrs. Cooke and Huntington, acting for the Freedmen's Bank, negotiated with themselves, as officers of the National Bank, for the purchase of the United States securities in which the law directed that the funds of the savings bank should be invested. They thus secured some large commissions for the National Bank. This was not illegal, perhaps, but it was certainly contrary to the spirit of the charter and the purposes of the institution.

After Alvord became president, in 1868, the "quorum" had full swing. The Cookes had on hand large "blocks" of Union and Central Pacific Railroad bonds, and were looking about for a market. The Freedmen's Bank presented an opportunity for an easy swindle, for Henry D. Cook was an adept at negotiating with himself. He made excellent bargains to buy of himself, but his prices were high when he sold to himself as member of the finance committee, or rather of the "quorum."

How to do it was the question; how to overcome the difficulties of the statute creating the savings bank; how to accomplish what the law prohibited. It was the first time that the attempt had been made to commit such a flagrant violation of the law, and the conspirators hesitated. There was no need of hesitation, however, as they afterwards discovered, for they had behind them a pliant majority in Congress, willing to wink at all the iniquities that these saints of the Republican church could commit. A meeting of the finance committee was called, and the "quorum," Messrs. Cooke, Huntington and Clephane, pondered over the provision of the charter which directed that the funds of the bank should be invested "in the stocks, bonds, treasury notes and other securities of the United States." The board of trustees had left this question to be answered by these worthies, the chief of whom had everything to make by answering it in the affirmative, and everything to lose by saying "no."

> Are Pacific Railroad bonds a security contemplated by the charter?

Mark the cunning of the answer.

> Pacific Railroad bonds are not a security contemplated in the charter, but the government bonds issued to the company are within the meaning of the law.

In a short time afterwards investments were made in the government bonds of the Union and Central Pacific Railroads. Henry D. Cooke, with an eye always in the main chance, made the purchases through his own firm, Jay Cooke & Co., and again the "simple charity" over which he had such large control was made the means of lining his purse with commissions.

The following is a list of the purchases of bonds following the decision just referred to:

February 17th, 1869, Union Pacific	$100,000
April 30th, 1869, Union Pacific	200,000
May 4th, 1869, Union Pacific	50,000
June 8th, 1868, Union Pacific	$15,000
June 23d, 1868, Central Pacific	40,000
October 8th, 1868, Central Pacific	300,000

This shows a total investment of $705,000 in Pacific Railroad bonds within a year.

THE FIELD FOR SWINDLING ENLARGED.

The bank thus entered upon a new field of investment. No great harm would have come of it had the field not been still further enlarged. But the Cookes and the "Ring" men had demonstrated their power and the weakness of their opponents, and they saw their opportunity and proceeded to profit by it. It was the first step away from and against the law—the first step in the direction of permitting the "quorum" to manage the affairs of the bank according to their own discretion and in opposition to the law, which soon entirely ceased to govern them. The next inroad in the charter was the construction by the "quorum" of the sixth section of the charter. That section was as follows:

> And be it further enacted, that it shall be the duty of the trustees of the corporation to invest, as soon as practicable, in the securities named in the next preceding section, all sums received by

them beyond an available fund, not exceeding one-third of the total amount of deposits with the corporation, at the discretion of the trustees, which available funds may be kept by the trustees *to meet current payments of the corporation, and may, by them, be left on deposit*, at interest or otherwise, *or in such available form* as the trustees may direct.

The object of this section was plain enough. The bank was to have on hand always a sum not too large, "not exceeding one-third of the total amount of deposits," with which to meet the current expenses. It was to be in cash, to be something that could be kept on deposit and subject to sight checks. It was to be available, whether it drew interest or not. Availability was to be its characteristic, the evident intention being that the bank should always have on hand a sufficient sum to meet its expenses and the daily demands of its depositors. If the trustees did invest any part of this third, as they might under the charter, they must have invested it in the stocks, bonds, treasury-notes and other securities of the United States. There was no other subject of investment pointed at by the law to which the trustees were bound to conform.

At this time the charter did not permit loans on real estate. It is a pleasure to record that in this instance Henry D. Cooke did not at first countenance the violation of the law which is now to be decided. He gave his construction of the statute in writing, and the opinion was spread on the minutes of the company. It is as follows:

> My understanding of the clause is that it authorizes the leaving of a certain sum in deposit, which deposit may draw interest or otherwise, but it must be always subject to check at sight; and I think a careful reading of the clause will justify this interpretation.

MR. COOKE'S VIRTUE WAS SOON OVERCOME,

however, and at a meeting held at his banking house soon after this opinion was written, the following entry was made on the minutes:

> The question under consideration was the recommendation to the board of the right to loan, under section 6, a portion of the idle funds now on deposit.
> It was decided so to recommend. D. L. EATON, Actuary.

Then followed a most extraordinary scramble to throw away the hard earnings of the freedmen in the most worthless securities. Some of these securities were of a kind that no reputable banker would take; but they were such as are generally hawked about the street to be picked up, at exhorbitant rates of discount, by the sharp-eyed gentry who do their business on the curbstones, or in underground offices. In three weeks loans to the amount of $98,593.43 were made. Not a single security, authorized by law, was taken by the finance committee in these negotiations.

A NOTE AND VOUCHER-SHAVING BUSINESS.

In his testimony before the Bruce committee, Commissioner Creswell testified that he found the "available fund" loans as "unavailable" as any in the possession of the institution, and Auditor G. W. Stickney testified as follows:

> Q. What was this "available fund" business? A. It turned out to be very unavailable (laughing). It allowed that one-third the amount of the deposits should be invested by the trustees in any "available fund."
> Q. Yes; exactly. A. That was the decision of the finance committee that they had the authority to do that.
> Q. The bank discounted a good many pay-vouchers, government vouchers and vouchers of the District of Columbia, belonging to the clerks and employees of the government and of the District, did it not? A. Yes, sir.
> Q. That was out of this "available fund," was it? A. Yes, sir.
> Q. Can you state what rate was usually charged, or whether there was a uniform rate for discounting these pay-vouchers? A. I think that in the District vouchers they used to charge one per cent. per month; and for the clerks in the department I think it was generally one or two per cent. —I forget now which—two per cent. I think it was, for a while.
> Q. About how much of that kind of paper remained in the bank at the time of the failure? A. About a thousand dollars or so of the clerk's vouchers.

The officers of the bank were then doing a note and voucher shaving business, like a Chatham street pawnbroker, except that they had not half the shrewdness that characterizes that thrifty race.

Among the securities taken by the bank for these loans, which still remain unpaid, and most of them, probably, uncollectable, are certificates of the Auditor of the Board of Public Works to pavement companies, bills against the District government, promissory notes of individuals, indorsed and unindorsed, secured and not secured ; loans without any collateral whatever, pay orders, life insurance policies, shares of stock of worthless corporations, shares in the Washington *Sunday Capital* newspaper, deeds of trust of property in distant cities, orders on the Board of Public Works of the District, District eight per cent. bonds, still unpaid, and checks. There is still due on this account $24,352.24, the total loans from the available fund amounting to $303,875.46.

HELPING ALONG NORTHERN PACIFIC.

Not long afterwards the available fund was used to help along the Northern Pacific, this time with Henry D. Cooke's consent and at his instance, showing that his former opinion was given largely for effect. The bank was made the agent for the sale of Northern Pacific bonds in this way . the bank to pay for the bonds and sell them if it could, for which it was to receive a commission, and to take the guarantee of Jay Cooke & Co. to buy them back within one year if not sold. On the 7th of February, 1871, $50,000 of these bonds were bought for the bank. After the transaction had been completed, and the bank was the absolute owner of the bonds, the question was raised as to whether the bank had the power to purchase them, *i. e.*, whether it possessed the power to do what it had already done. It was a shrewdly played game, a game in which the leading conspirators enacted their parts very skillfully, pretending to do with great reluctance what they had long ago made up their minds to do. The proposition seems to have greatly excited the board of trustees, for on May 3d it passed a resolution "doubting the expediency of investing $50,000 in these bonds." On May 9th Mr. Cooke, pretending to have carefully examined into the subject, made a special report on it. He thus expresses the judgment of the finance committee

> The second resolution as to the investment of the company in the bonds of the Northern Pacific Railway:
>
> In investing its available funds, the actuary found this state of facts· On the 7th of February, the day on which this purchase was made, the lowest-priced six per cent. United States bond in the market was the 5-20 coupon bond of 1865 or 1867, $1 09½. This bond of 109½ pays the investor 5 4-10 per cent., so that the Northern Pacific Railroad bond at 100 pays 73 -10 per cent.. so that the Northern Pacific Railroad bond is better by 1 9 10 per cent.
>
> Further, the actuary. with the consent of the finance committee and the board [of trustees] in full session, bought the bonds for sale; and the conditions were that we receive 3½ per cent commission in cash, and 3½ per cent. in stock for all bonds disposed of so that this company realizes actually in cash 5 4-10 per cent. more than on the best investment in government bonds; and in addition thereto, 3½ per cent. in stock of the Northern Pacific Railroad Company for all bonds sold.
>
> The only question, therefore, is: are these bonds safe ? In answer to this we show the written guarantee of Messrs. Jay Cooke & Co. to redeem them on demand at any time within one year from date of purchase, at same rates we gave for them.
>
> It was these considerations of profit and of safety, abundant, as it seemed to the committee, which led to the investment in question, and they are still of force in their minds As to the other statements of the resolution, touching the character of the bond itself. namely. that the road is but begun, and may not for years be able to pay any interest out of its earnings, we would respectfully state that the [N. P. R. R.] company has already six hundred miles of road in operation; that nearly three hundred miles of track have been laid during the three hundred days which have elapsed since the commencement of work upon the road; that the company is endowed by government with a grant of land amounting to over fifty millions of acres, worth, at government rates, over $150,000,000 from the sale of which ample provision is made for the payment of the interest and [the] principal of the bonds, in addition to the security given by the road, its equipments, and all the property and franchise of the company.

Thus, for the third time, did Henry D. Cooke manage the Freedmen's Savings and Trust Company, and make use of the money of the negroes, lately in slavery, for the purpose of lining his own purse. He was directly interested in the sale to the bank of these Northern Pacific Railway bonds, and he and his firm made money from it. When the head of the "quorum" is found to be such a man, its decision concerning the use of the "available fund," and the manner in which it invested in worthless, and wildcat securities will not be wondered at.

THE DOOR FOR STEALING WAS OPENED WIDER

in 1870 by the passage of an amendment to the charter. The Republican majority in Congress was not satisfied with the stealing their rascals in the District Ring and in charge of the freedmen's banks had accomplished. They thought they ought to have more latitude; that they should not be confined in their investments to the "stocks, bonds, treasury notes and other securities of the United States." Grant was in power, and the "boys" who had formerly been known only as the heads of the District government, were now potent with the national administration.

It is interesting to note, in passing, that these same "boys," now somewhat older, who made the District Ring and the Grant administration odious by their connection with them, and who went to Chicago to help nominate Grant because of what he did for them in the old days of the "Ring," are about the only Grant men who are pleased with Garfield's nomination. They like Garfield "because he is a friend of the District"—friendship to the District meaning, with them, the cherishing of the contractors at the expense of the taxpayers. This is especially significant, in view of the DeGolyer charge against Gen. Garfield.

The amendating act, among other things, authorized the board of trustees to invest the funds of the bank "to the extent of one-half in bonds or notes, secured by mortgage in real estate in double the value of the loan."

March 21, 1870, Mr. Cook, an ex-reverend scoundrel, who was the subservient tool of Huntington and Shepherd, and served them well a year later in the passage of the act creating the District Ring government, introduced a bill to amend the charter of the Freedmen's Saving and Trust Company. In April Cook reported from the Committee on the District of Columbia a substitute to his bill, which authorized the bank to loan money on real estate. This substitute was forthwith passed without a word of discussion, without a single inquiry or suggestion. There was not even a formal vote. The Speaker asked the question: "Is there objection?" There was none; he declared the bill passed.

In this way the money of the freedmen was placed at the disposal of the managers of the bank and their outside "pals," who, in the language of the thieving fraternity, were working everything in the district for all it was worth. The thousand and one schemes of public improvement and private speculation that brought ruin to those engaged in them, brought also ruin to thousands of helpless and confiding negroes, trusting in those whom they looked upon as their deliverers from slavery only to be deceived and robbed by them.

THE "SENECA SANDSTONE COMPANY."

It was this notorious swindle that reaped the first benefit from the new act. Within twelve days after the passage, Henry D. Cooke and W. T. Huntington made a loan on the second mortgage bonds of the Maryland Mining and Manufacturing Company, better known as the Seneca Sandstone Company. Huntington and Cooke were both stockholders of the company, and thus directly violated the twelfth section of the charter, which provided that

> No president, vice-president, trustee, officer or steward of the corporation shall, directly or indirectly, borrow the funds of the corporation or its deposits, or in any manner use the same except to pay necessary expenses under the direction of the board of trustees.

This company was organized upon an investment made by Henry D. Cooke, Henry H. Dodge and John L. Kidwell, in a tract of land containing six hundred acres, situated in Montgomery county, Maryland. The purchase price was $70,000, and the cost of the improvements made upon it was $50,000. The land contained quarries of Seneca sandstone, and a charter was procured from the state of Maryland. Five thousand shares of stock were issued of the par value of $100 The following is a list of the original stockholders of the Maryland Freestone Mining and Manufacturing Company:

DATES.	No. of Certificates.	No. of Shares.	NAMES.
November 21, 1867	1	930	Henry D. Cooke
" " "	2	734	
" " "	3	930	John L. Kidwell
" " "	4	733	
" " "	5	930	Henry H. Dodge
" " "	6	735	
" " "	7	2	J. Heath Dodge
" " "	8	3	
" " "	9	2	Thomas Anderson
" " "	10	3	
Total		5,000	

The original stockholders made it their business to secure the names of leading men in Washington, both in civil and military and naval circles, as shareholders in this company. The object was to fill Washington full of public and private buildings built of Seneca sandstone.

The following is a list of the stockholders as they appear at present, and as they were transferred by Messrs. Cooke, Kidwell and Dodge. It will be seen from this how successful were these gentlemen in placing their stock where it would do the most good:

LIST OF STOCKHOLDERS AS THEY AT PRESENT APPEAR UPON THE BOOKS, AND AS THEY WERE TRANSFERRED BY MESSRS. COOKE, KIDWELL AND DODGE, SUBSEQUENTLY.

Date, Names and Shares.	
Nov. 22, 1867, B. B. French	200
Nov. 22, 1867, William H. Seward	200
Nov. 22, 1867, U. S. GRANT	200
Nov. 22, 1867, J. K. Barnes	200
Nov. 22, 1867, Caleb Cushing	200
Jan. 21, 1870, U. S. GRANT (div'd)	120
Jan. 21, 1870, Caleb Cushing (div'd)	120
Jan. 21, 1870, B. B. French (div'd)	120
Jan. 21, 1870, E. B. Washburne (div'd)	120
Jan. 21, 1870, R. J. Dobbins	240
Jan. 21, 1870, W. S. Huntington	60
Jan. 17, 1868, E. Washburne	100
May 5, 1868, E. B. Washburne	100
May 2, 1868, R. J. Dobbins	200
March 1, 1870, R. J. Dobbins	40
Oct. 20, 1869, F. T. Dent (div'd)	100
April 30, 1870, F. T. Dent (div'd)	40
Oct. 20, 1868, Mrs. H. L. Dent (div'd)	100
April 30, 1870, Mrs. H. L. Dent (div'd)	40
Dec. 3, 1868, W. S. Huntington	100
Feb. 28, 1870, Caleb Cushing	3.5
April 14, 1874, J. K. Barnes	60
Jan. 2, 1869, W. B. Love	3
Jan. 21, 1870, Wm. B. Love	1.8
Jan. 2, 1869, C. H. Hayden	30
Jan. 21, 1870, C. H. Hayden	21
Feb. 17, 1869, J. A. Wills	100
Jan. 21, 1870, J. A. Wills	60
Jan. 25, 1869, W. B. Boggs	100
Jan. 21, 1870, W. B. Boggs	60
June 25, 1869, J. L. Kidwell	544
Oct. 31, 1869, J. L. Kidwell	2
April 14, 1874, J. L. Kidwell	217.6
July 13, 1869, E. D. Townsend	50
Jan. 21, 1870, E. D. Townsend	30
July 13, 1869, Robert Williams	150
Jan. 21, 1870, Robert Williams	90
Jan. 21, 1870, H. R. Hubbard	120
June 2, 1870, H. R. Hubbard	100
June 2, 1870, H. R. Hubbard	100
Feb. 2, 1870, H. D. Cooke	468
Sept. 27, 1870, H. D. Cooke	235
April 15, 1871, H. D. Cooke	80
Jan. 20, 1873, H. D. Cooke	160
May 20, 1873, H. D. Cooke	46
Aug. 27, 1873, H. D. Cooke	100
Jan. 2, 1874, H. D. Cooke	2
Feb. 28, 1870, J. C. Kennedy	75
March 1, 1870, J. C. Kennedy	80

Date, Names and Shares.	
Feb. 2, 1872, J. C. Kennedy	25
Feb. 2, 1872, J. C. Kennedy	20
Feb. 2, 1872, J. C. Kennedy	20
Feb. 2, 1872, J. C. Kennedy	10
March 9, 1870, Joseph L. Savage	80
March 30, 1870, Mrs. M. W. Lynde	40
Aug. 18, 1870, Wyman Crow and Ed. C. Cushman	160
Dec. 1, 1870, H. A. Risley	150
Dec. 19, 1870, Thomas B. Bryan	320
March 12, 1872, Thomas B. Bryan	40
March 24, 1871, J. W. Pilling	10
March 24, 1871, J. W. Pilling	10
March 24, 1871, J. W. Pilling	10
March 24, 1871, James C. Pilling	10
April 12, 1871, Mrs. Chr. L. Burnett	160
April 12, 1871, N. W. Burchell	10
April 13, 1871, Lewis Johnson & Co	50
July 22, 1871, Riley A. Shinn	100
Dec. 12, 1871, Charles A. Nichols	50
March 12, 1872, Mrs. Maria V. Brown	125
March 12, 1872, R. T. Merrick	2
March 12, 1872, W. F. Mattingly	2
March 15, 1872, W. G. Metzerott & Co	2
March 22, 1872, Watkins Addison	5
March 22, 1872, Watkins Addison	5
March 22, 1872, Charles E. Mix	5
March 22, 1872, R. P. Dodge	8
March 28, 1872, J. V. N. Huyk	1
Dec. 21, 1872, J. V. N. Huyk	2
April 3, 1872, Evan Hughes	2
Nov. 13, 1872, Evan Hughes	12
May 9, 1873, Evan Hughes	14
Dec. 19, 1872, A. H. Seward	80
Dec. 19, 1872, F. H. Seward	80
Dec. 19, 1872, William H. Seward	80
Dec. 19, 1872, Olive Risly Seward	80
Jan. 6, 1873, Francis Dodge	9.3
Jan. 20, 1873, George Peter	4
May 9, 1873, Huyk & Addison	12
Aug. 22, 1873, J. H. Cochrane	80
Aug. 22, 1873, Enoch Totten	50
Aug. 22, 1873, Enoch Totten	50
April 14, 1874, F. W. Jones	10
May 26, 1874, Edwin M. Sems (trust estate of Jay Cook & Co.)	400
April 14, 1874, J. W. Alvord	10
Nov. 10, 1874, W. V. Brown, Jr	4

HOW GRANT GOT IN—HOW THE FREEDMEN'S MONEY WENT.

It will be seen from this list that these gentlemen obtained subscriptions for the stock from several influential people. The President of the United States was a member of the Goodby Company, and the ex-Secretary of State, the Surgeon and Adjutant-General of the Army, and a host of others more or less intimately connected with the administration. Whether they were all in the same boat with Gen. Grant or not is not known. Although he permitted this swindling company to advertise that he had invested $20,000 in its stock, he had not paid a single cent. To quote from a report made by the correspondence of the New York *Journal of Commerce:*

> Your correspondent has authority that can be relied on for the statement that Gen. Grant never invested a dollar in the stock of the Seneca Sandstone Company, although his name appeared in the list of stockholders, and he voted by proxy in business meetings. Henry D. Cooke went to Gen. Grant and asked him to subscribe to the stock of the company. The general replied that he had not at that time any money he could spare for the investment. Mr. Cooke then requested the privilege of carrying 320 shares of stock for him. The request was granted. And that is how the late President of the United States came to own $32,000 of Seneca Sandstone stock.

The first loan by the bank to this concern was made in the face of a resolution passed by the board of trustees as follows :

> *Resolved*, That the company ought not to loan its funds upon mining and manufacturing stocks or bonds; and that the loan of that nature now existing ought to be called in as soon as it may be.

Again, as in the case of the purchase of the Northern Pacific bonds, Henry D. Cooke was ready with his report, which was as follows:

> First resolution: The Committee beg leave to state respectfully that with the general proposition in this resolution they are in full accord. This case is, however, exceptional. First (in that) the Maryland Mining and Manufacturing Company is a well-known and solvent company, established and doing business in this city; its business is profitable; it is earning dividends, and its stocks and bonds are both well-known and have ready sale in this market; that it has real estate to the amount of six hundred acres of land, the farm thus constituted being one of the most productive and profitable in the state of Maryland.
>
> The machinery and buildings in use as their works have cost over $200,000, and the latter would sell for three-fourths of its original cost for use in any other quarry, even if it [they] were no longer needed for this; that the fifty-seven thousand dollars' worth of bonds of this company, which are held as collateral for this loan of the Freedmen's Savings and Trust Company ($27,000), are really a first-mortgage bond, secured upon all this real estate and other property; that the whole issue of bonds is not equal to more than one-third [of] the value of the property, and therefore the loan itself comes fully within the stipulation of the charter of the bank, to wit: a loan on real estate to the extent of one-half the value thereof; or, even if this were not true, the loan comes fully and abundantly within the resolution unanimously adopted by the board May 12, 1870, touching the "available fund," that it shall be loaned "only on collateral of government or railway bonds, or other securities of a marketable value of at least 10 per cent. more than the loan. The marketable value of the bond held here as collateral is at least double the loan. * * * Further, the quarry of this company is furnishing the stone from which the banking-house of this savings company is erecting. It employs constantly about three hundred colored men in its works and in this city, and it is in these respects an institution kindred with the bank; their interests are mutual. Those who from week to week and month to month watch over and strive to direct the best use of the freedmen's money in the bank are those who also afford them this field of valuable and profitable labor."

All this was untrue.

July 25th, 1870, the bank bought of the company $20,000 of its first mortgage bonds at 90 cents, when they could not be sold on the street for 50 cents; not a dividend had been paid by the company since its organization in 1867, except in watered stock.

The following is the statement of George W. Stickney, actuary, concerning all the transactions of the bank with this company :

ACTUARY STICKNEY'S STATEMENT.

WASHINGTON, D. C., Nov. 6, 1873.

J. M. LANGSTON, Esq., Chairman Special Committee :

At your request I would make the following statement as to transactions had by this company with the Maryland Mining and Manufacturing Company and with Messrs. Kilbourn & Evans:

First. As shown by the books of the company, May 18, 1870, $4,000 were loaned to said Maryland Freestone and Mining Company, secured by $10,000 of their second mortgage bonds.

Second. July 25, 1870, the Freedmen's Savings and Trust Company bought of said Maryland Freestone and Mining Company $20,000 of their first mortgage bonds at ninety, with the verbal understanding that the company would take said bonds back from the bank at par after two years.

Third. July 17, 1871, a further loan was made of the Freedmen's Savings and Trust Company by said mining company of $27,000, secured by $49,000 second mortgage bonds of the same as collateral. This statement shows that up to January 2, 1872, the bank held of second mortgage bonds of the Maryland Mining and Manufacturing Company $59,000, and $20,000 of the first mortgage.

Fourth. On January 2, 1872, as shown by the books, the transactions as between the bank and said company were settled, said company at that date being in debt to the Freedmen's Savings and Trust Company for cash loaned.

First. Loan of May 18, 1870	$4,000 00
Second. Loan of July 25, 1870, being amount paid for twenty first mortgage bonds	18,000 00
Third. Loan of July 17, 1871	27,000 00
Fourth. Interest due on above loans December 30, 1871	2,785 73
Total due Freedmen's Savings and Trust Company	$51,785 73

At this date, according to the books of this company, a transaction covering this whole matter was had with Messrs. Kilbourn & Evans, whereby their notes were given for $50,000, payable six months after date and secured as follows, namely : Twenty-four shares American Dredging Company, Philadelphia, Penn., $2,400; seventy-five shares Metropolitan Paving Company stock, 100 par value, $7,500; one thousand shares market-house stock, 50 par value, $50,000; forty shares National Metropolitan Life Insurance Company, $2,000; one hundred and fifty bonds Maryland Mining and Manufacturing Company, $509 each, $75,000; and payment by the Maryland Freestone Mining and Manufacturing Company of $1,785.73 on account of interest. This payment was made by check on the First National Bank, signed by C. W. Hayden, treasurer.

G. W. STICKNEY, Actuary.

CHEATING THE BANK OUT OF $20,000.

The next transaction was to cheat the bank out of the $20,000 of first mortgage bonds held by it. This was done by means of a substitution and colorable loan to Hallet, Kilbourn and John O. Evans. Ostensibly this transaction was for another and no less culpable purpose. The Seneca Sandstone Company was always a suspected corporation, and the public, and especially that portion of it interested in the fortunes of the freedmen, began to clamor about the connection of the bank with it. The newspapers had grown suspicious, and an investigation of the concern began to be demanded. To quiet the apprehensions of those whose money was at stake and the clamors of the press, a disreputable agreement was resorted to for the purpose of deceiving the public. The transaction with the Sandstone Company became a business arrangement with Messrs. Evans & Kilbourn, and the following agreement was entered into:

HOW IT WAS DONE.

OFFICE OF THE COMMISSIONERS OF THE FREEDMEN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., December 30, 1873.

The Freedmen's Savings and Trust Company have this day made a loan to John O. Evans and Hallett Kilbourn of $50,000, upon the following-described securities as collateral to their note : $2,400 stock American Dredging Company, Philadelphia ; $2,000 Metropolitan Insurance Company stock, Washington, District of Columbia ; $75,000 Maryland Freestone Manufacturing and Mining Company 6 per cent. gold bonds, Montgomery county, Maryland ; $7,500 Metropolitan Paving Company stock, Washington, District of Columbia ; $50,000 Washington Market House stock, Washington, District of Columbia. Said note is payable six months after date, with 10 per cent. interest ; and in case said Evans and Kilbourn's note shall not be paid as it becomes due, then it is fully agreed that the Freedmen's Savings and Trust Company shall keep the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company as full payment of said note and interest, and surrender to said Evans and Kilbourn the other securities above enumerated (save and except the $75,000 bonds of the Maryland Freestone Manufacturing and Mining Company), together with their note.

D. L. EATON, Actuary.

Approved :

L. CLEPHANE,
WM. S. HUNTINGTON,
L. R. TUTTLE,
Finance Committee.

In some mysterious way that it is difficult for honest men, unfamiliar with the intricacies of fraudulent banking, to understand, the bank finally became possessed of $95,000 of second mortgage bonds which are not worth a cent, and were not at the time they were taken as security for the loan of $51,785.73, which, with interest, now amounts to $90,000 or $100,000.

THE COMMISSIONERS APPOINTED WOULDN'T PROSECUTE THE ROGUES.

When the three commissioners were appointed to take charge of the business of winding up the affairs of the Freedmen's Bank, two were appointed for political reasons—ex-Postmaster-General John A. J. Creswell and C. B. Purvis—and and a third, R. H. T. Leipold, because he was a skilled accountant, then in the employ of the Treasury Department. The manner in which the two politicians, one of them Purvis, himself a colored man, treated the men who had swindled the freedmen is shown by the following testimony, taken before the Bruce Committee, concerning the means taken to recover the amounts lost by reason of the swindling transactions with the Seneca Sandstone Company. Concerning this Mr. Leipold testified as follows :

Mr. Leipold : Well, I think it was finally developed some time in 1875—the winter of 1875, I think. This conversation took place some time in the winter of 1875–76. After having a consultation with Colonel Totten, I went back to the bank and wrote a note to the other commissioners, which I have here. This is the original note that I wrote (producing the original). I see by the date that there must be some mistake as to the time. This was written in the summer of 1876, in July. (Reading :)

OFFICE OF THE COMMISSIONERS OF THE FREEDMEN'S SAVINGS AND TRUST COMPANY,
Washington, D. C., July 21, 1876.

To Messrs. CRESWELL and PURVIS, Commissioners :

It having been shown, through some testimony taken in the suit against A. Langdon, that a number of deposit accounts were paid by the company after its suspension, June 29, 1874, especially one of $1.000 to R. W. Tompkins, Colonel Totten suggests that suits should be brought for the recovery of all such moneys.

Colonel Totten also expresses it as his opinion that the trustees, and especially the members of the finance committee who approved what is known as the secret agreement in the Seneca Stone loan, can be held personally liable for the amount of said loan. Such being the case, it seems to me some definite action ought to be taken at once looking to a recovery of these moneys thus illegally paid out and invested.

I favor immediate action, and that the whole matter be turned over to Mr. Totten, with instructions to make a careful examination of the law bearing on these cases, and if he should find that the law sustains his opinion, he should be directed to proceed at once to the recovery of the several amounts.

R. H. T. LEIPOLD, Commissioner.

This note is indorsed as follows :

This matter had best lie over until it can be presented to all the commissioners, Mr. Purvis being now absent from Washington.

July 27, 1876. JOHN A. J. CRESWELL.

Also (in pencil memorandum) :

This paper was on Mr. Purvis' desk until April 15, 1879, and never acted on.

R. L.

LETTER ADVISING ACTION LAID OVER.

Mr. Leipold (resuming) : I put this communication, as I did every matter of importance involving an exercise of discretion, on Mr. Purvis' desk. I did that on the 21st of July, 1876. On the 27th of July, 1876, Mr. Creswell indorsed this paper : "This matter had best lie over until it can be presented to all the commissioners, Mr. Purvis being absent from Washington." This paper then lay on Mr. Purvis' desk from that time until the 15th of April, 1879.

By Mr. Gordon: Q. And what was the year when it first laid there ?

A. In 1876. No action in writing was ever had on this subject by Commissioner Purvis. The matter was discussed between us as to the propriety of this thing, and Mr. Purvis was inclined to apologize for the board of trustees, both in this case and in a great many other cases, so that no united action could have been had against the board of trustees. In this connection, the Secretary of the Treasury, Mr. Bristow, sent for me to bring over these original papers. I do not know whether this was before or subsequent to this discussion of the matter. I took these papers to him; he looked at them and said: "Is this our Mr. Tuttle?" Mr. Tuttle was then Assistant-Treasurer of the United States. I said, "Yes." He seemed to be very much surprised at it, and expressed himself to the effect that he could not have any such man in his department—a man who would sign such an agreement as that. I had known Mr. Tuttle for a number of years, and did not believe that Mr. Tuttle would affix his signature to such a paper, if he knew the contents of it, and I told Mr. Bristow so. His reply was that no man had a right to put his name to a paper of that kind without knowing what was in it. And the result was that Mr. Tuttle left the department. Mr. Purvis has abused me once or twice in this case, because I have made known that thing—he taking the ground that gratitude on my part to this man who had elected me as commissioner ought to make me keep quiet on the subject. I do not know that that was exactly his language, but I know that "gratitude" was the word he made use of, that "common gratitude to those men ought to have prevented me from prosecuting them," or words to that effect. Of course, no other action has been taken as against the trustees in that matter.

WENT AFTER THE BANKRUPT COMPANY.

By Mr. Withers: Q. No action ? A. I was about to say that we did proceed to some extent I presented the coupons of the Seneca Sandstone Company's bonds we had in the bank, had them protested for non-payment, and then instructed the trustees to foreclose the mortgage. A bill was filed on behalf of the Freemen's Bank and other parties to have the property sold, and the property itself is now in litigation. That was all the action that was taken by the commissioners. I want to say here, that in some conversations which took place last summer about the violation of the charter by some of the trustees Mr. Purvis notified me that if I attempted to hold these men up to the ridicule of the community, I would find that they would defend themselves; and I replied to him—and I think it was in the presence of Mr. Creswell—that I had no fears on that score; that whatever facts they knew they were welcome to bring out; I did not care anything about it.

By Mr. Garland: Q. After you read that letter, you stated, I believe, that you had some consultations with the other commissioners from time to time? A. Yes.

Q. And you agreed upon no definite course of action? A. No sir, not as against the trustees.

Q. Well, you gave Mr. Totten or your attorney no instructions to bring suit? A. No, sir.

MR. CRESWELL'S LAME EXCUSES.

Mr. Creswell testified about his unwillingness to prosecute these dishonest officials in the following unsatisfactory way:

Mr. Creswell: I do not remember.

The committee will observe that the finance committee had approved this transaction; it is signed by L. Clephane, William S. Huntington and L. Tuttle. My opinion was, to recover against them we would be obliged to show in court that they had proceded corruptly. I knew Mr. Tuttle by reputation; I had heard his statement about the transaction, and I did not believe that we could succeed in fastening upon him any such imputation. Huntington was dead, and Mr. Clephane, I believe, I did not know; I do not believe that I had ever met him more than casually; and that was the reason why I hesitated in authorizing that proceeding. Of course, we could not reach Mr. Huntington, he being dead, nor could we reach the others, except by showing improper and corrupt motives.

Mr. Leipold: The points in the case are somewhat different from those stated by Mr. Creswell. I addressed a letter directing the trustees named in the mortgage to proceed to sell the property under the mortgage covering the bonds.

By Mr. Garland: Q. A letter to whom?

Mr. Leipold: A letter to Joseph T. Brown, who was trustee in the mortgage securing these bonds. And this Joseph T. Brown about the same time received another communication, from an opposing interest, requiring him to proceed to the sale of the property under the first mortgage bond; and although our letter reached him first, he nevertheless proceeded under the first mortgage bond, and it was subsequent to that we were brought into the courts about it.

Adjourned to Thursday, January 22, 1880.

IT WAS ALWAYS THUS WITH THE RING ROGUES.

Thus it is that throughout, from first to last, from the time the loan was made till now—the bank is wound up—the Seneca Sandstone Company has been a burden on the Freedmen's Savings and Trust Company. The managers of the Freedmen's Bank were closely connected with the District of Columbia Ring. Cooke was governor of the District and chairman of the notorious Board of Public Works, which was under the control of Alexander R. Shepherd; George W. Balloch, of the examining committee of the bank; William S. Huntington, of the finance committee; Z. B. Richards, of the board of trustees, and D. L. Eaton, actuary—these men were all connected in some official way with the District government. Huntington and Clephane, also of the finance committee, were also connected with the Metropolitan Paving Company. The Board of Public Works ran out of money and issued certificates, worthless unless Congress—with whom the Ring was growing in disfavor, largely because the Republicans had taken alarm at the rapidly-increasing strength of the Democrats—made appropriations to pay them. On these certificates, perfectly worthless as securities, the officers of the bank loaned the money of the freedmen.

D. L. Eaton, the actuary, was

BRIBED

with a half interest in a $100,000 sewer pipe contract with a Ring contractor named Vandenburgh, the transactions of whom, in connection with Shepherd and others, brought ruin and hopelessness into the home and heart of many a poor negro, his indebtedness to the bank standing at about $144,164.83.

Before going to the testimony concerning these public improvement swindles, which Gen. Garfield so signally aided as Chairman of the Committee of Appropriations, it will be well to note that the "available fund" was scattered and wasted among such rotten securities as the Metropolitan Paving Company stock (worthless), Northern Pacific Railroad stock, Young Men's Christian Association stock (worthless.) This loan was secured by the Christian financier, Henry D. Cooke, and the Christian soldier, General O. O. Howard, Seneca Sandstone Company bonds, shares of International Steamship Supply Company, Morris

Mining Company stock, chattel mortgages on the furniture of the Arlington and St. James hotels, state bonds of Virginia, city bonds of Philadelphia, shares of Washington building associations, mortgage bonds of the Chesapeake and Ohio Railroad Company, shares of the American Seal Lock Company, state of Florida bonds, Detroit Car Loan Company stock, Columbia railroad stock, bonds of the First Congregational Church, Second National Bank stock, District of Columbia certificates, auditor's certificates, paving and curbstone tax, orders on the Board of Public Works, orders on and acceptances of the treasurer of county schools, life insurance policies, etc. As late as April; 1874, more than six months after the failure of Jay Cooke & Co., the bank made a loan and accepted as collateral an assignment of a claim on that firm for $11,975.

HOW THE RING ROGUES GOT THE MONEY.

The following extracts from Auditor Stickney's testimony will show the manner in which the District Ring managed its financial transaction with the bank:

Q. Do you know of any loan at any time made to Vandenburgh on the personal assurance of Alexander R. Shepherd that it would be paid in a day or two?

A. That loan was not made to Vandenburgh. I recollect the transaction you refer to. It occurred in November, 1873. I was away at the time (simply for the Saturday). Governor Shepherd and Colonel Magruder came to Mr. Alvord and got the loan of $50,000 on a $30,000 check on the First National Bank, drawn by J. A. Magruder, treasurer, and on a $20,000 certificate of the Board of Public Works, to be paid out of the first moneys that the board received when the appropriation was made by Congress. I found out from Mr. Tuttle, the assistant treasurer, as soon as the check was made for the amount of the appropriation, and the next morning, before the bank was opened, I went to the First National Bank and deposited this $30,000 check, and got it placed to my credit by Mr. Swayne, the cashier of the First National Bank. The $20,000 certificate ran along without being paid until February or March, 1874. One day, as I was in the Metropolitan National Bank, Mr. Moses Kelly said that the Board of Public Works wanted a loan of $35,000, and would give a 6 per cent. bond on the District of Columbia for it. Mr. Kelly was one of the finance committee at the time, and he advised that the loan be made, saying that it was a good loan and the bonds were good. The market price was then 85, and the bonds could be sold in any amount for that. I told him I was not willing to make that loan, unless the $20,000 certificate was included in it, and bonds deposited enough to cover the $55,000. That was agreed to, and I made the loan of $35,000, and took $65,000 in bonds to cover that loan and the $20,000 certificate, which made the amount $55,000. That ran along some time, something less than a month, when the whole amount was paid. Mr. Vandenburgh had nothing whatever to do with it, unless perhaps he got the money from the Board of Public Works. The loan of $50,000 was made to Governor Shepherd by Mr. Alvord.

Q. What was the certificate worth at that time. A. None of the certificates or obligations of the Board of Public Works were ever worth less than 85 or 90 up to that date. None of them brought less than 80 or 85 until after the panic. That certificate was put into this new loan.

HOW SHEPHERD HELPED VANDENBURGH TO OTHER MEN'S MONEY.

Q. Did you never say to C. B. Purvis, or to any other person, that you had done one wrong thing, and that was allowing that money to be paid to Vandenburgh on the personal pledge of Shepherd. A. No, sir; I have no recollection of that. I know where Dr. Purvis got that idea. In November, 1872, Vandenburgh came to me and wanted some more money—five or six thousand dollars—to pay his men. I told him that he was so much indebted to the bank that I did not feel like letting him have any more money on the securities of the Board of Public Works, as other people seemed to get their money and we could not. He said it was for Mr. Shepherd. I went to Mr. Shepherd and he said, "If you allow Vandenburgh to have that amount of money now, you shall have all that is due you paid up when we get the first appropriation; but if you let him have any more, it will be your own lookout." I let him have about $5,000 on that occasion, and when the appropriation was made I got $22.000 of him instead of some hundred and odd thousand, as was promised; but as to any sum of $30,000, I know nothing about it.

Q. Did Mr. Shepherd agree that he would pay that money himself? A. No; he agreed that it should be paid out of the first appropriation that the board got from Congress.

Q. And you got $22,000 instead of $100,000? A. Yes; there was due the bank from Vandenburgh and the Paving Company some $100.000, and we got about $22,000.

Q. You mean to say that when that loan of $5,000 was made, Mr. Shepherd said that you should have the whole amount that had been loaned by the bank, which at that time was over $100,000? A. Yes, sir.

Among the new facts brought out by Senator Bruce's committee was the fact that the officers of the bank, especially Mr. Huntington, were in the habit of loaning money to themselves in violation of the charter. Clephane also, another member of the finance committee, was in the habit of breaking the law. He testified before the Bruce committee that he and Hallet Kilbourn at one time borrowed $2,000 on Metropolitan Paving Company's stock. All these loans and a number of others were made mainly on worthless securities, almost always on securities not recognized by the bank's charter.

The notorious firm of Kilbourn & Latta, real estate brokers, was employed to appraise the value of real property on which loans were solicited. Many of these loans were secured by this firm as brokers, and the result was, as might have been anticipated, the property was valued at about double its value, and it has been found impossible to realize the mortgage debts on much of it.

SOME SPECIMEN LOANS ON RING REAL ESTATE.

The following are from the list of properties taken by the commissioners on deeds of trust, and illustrate how the bank was swindled by its real estate loans. The following list is to be found in the Bruce report:

Location and description.	Bought in for—	When purchased.	How acquired.	Remarks.
Alley between Twenty-fourth and Twenty-fifth and M and N streets northwest. Two-room frame shanty.	$130 00	Apr. 8, 1876	Under deed of trust.	Balance due on loan after crediting proceeds of sale, $99.26; deemed worthless.
Twenty-first street, between N and O streets northwest. Vacant lot.	275 00	Sept. 27, 1872	....do..........	Balance due on loan after crediting proceeds of sale, $50.64; deemed worthless. Bought in before failure of company.
1826 Lawrence street. Six-room frame house, with hall; sewerage.	1,125 00	Jan. 4, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $724.28; deemed worthless.
Oregon and Eighteenth streets northwest. Eleven unimproved lots.	2,339 00 (or 15 cents pr foot.)	Apr. 18, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $2,806.78; deemed worthless.
Alley between Sixteenth and Seventeenth and L and M streets northwest. Vacant lot.	130 00	Oct. 30, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $52.86; deemed worthless.
R Fifteenth and Corcoran streets northwest. Vacant lots; brick sidewalks; concrete carriageway; lots terraced and parked.	8,721 01 (or from 22½ to 40 cents per foot.)	Jan. 4, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $14,038.59; deemed worthless. Original purchase 21 lots, of which four have been sold.
Eleventh street near boundary. Vacant lot.	304 26 (or 16 cts. per foot.)	Nov. 30, 1875	....do..........	Balance due on loan after crediting proceeds of sale, $221.05; deemed worthless.
Eleventh street, between Q and R streets northwest. Two frame shanties.	325 00 (subject to taxes.)	May 24, 1877	....do..........	Balance due on loan after crediting proceeds of sale, $361.28.
Eleventh street between Q and R streets northwest. Vacant lot.	730 00	Apr. 19, 1875	....do..........	Balance due on loan after crediting proceeds of sale, $192.42. Balance paid in part.
Southwest corner Vermont avenue and T street. Vacant lots.	225 00 (subject to taxes.)	Apr. 23, 1878	....do..........	Original purchase 7 lots, of which 4 have been sold. Balance due on loan after crediting proceeds of sale, $498.50.
T street near Vermont avenue northwest. Vacant lots.	1,738 32	Apr. 7, 1874	....do..........	Original purchase 7 lots, of which 4 have been sold. Bought in before failure of company.
1549 Columbia street northwest. Three-story brick house, with three-story back building, newly painted and renovated; nine rooms, all modern improvements.	2,800 00	Dec. 16, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $6,566.73. Judgment for balance.
Frame house northwest corner G and Third streets northwest.	1,350 00 (subject to taxes.)	June 17, 1879	... do..........	Balance due on loan after crediting proceeds of sale, $4,059.10; deemed worthless. Sale not yet confirmed.
122 Pierce street. Two-story and basement frame house; one-story back building; eight rooms.	750 00	Aug. 28, 1876	....do..........	Balance due on loan after crediting proceeds of sale, $210; deemed worthless.
1014 and 1016 New Jersey avenue northwest. Two one-story frames, two rooms and kitchen; street and sidewalk paved.	500 00 (subject to special improvem'nt taxes)	July 5, 1877	....do..........	Balance due on loan after crediting proceeds of sale, $244.61; deemed worthless.
North Capitol and C streets. Vacant lots, except four small buildings; street and sidewalk paved.	10,964 89 (or 40 to 67 cts pr ft.)	Apr. 8, 1876	....do...	Balance due on loan after crediting proceeds of sale, $5,695.41. Balance deemed worthless.

Location and description.	Bought in for—	When purchased.	How acquired.	Remarks.
444 First street southwest. Two-story pressed brick front; sidewalk paved; Belgian block carriageway.	$875 00	June 13, 1876	....do.	Balance due on loan after crediting proceeds of sale, $2.01. Original purchase four lots, of which two have been sold.
Half street between N and O streets southeast. Vacant lots.	4 cents per foot.	July 3, 1877	....do............	Balance due on loan after crediting proceeds of sale, $2,663.38. Balance deemed worthless.
213 East Capitol street. Four-story and basement brick dwelling; all modern improvements; two-story brick stable in the rear.	14,000 00	Jan. 17, 1876	....do............	Balance due on loan after crediting proceeds of sale, $2,692.25, interest and taxes. Title in litigation.
114 C street northeast. Three-story and basement pressed brick front; all modern improvements.	4,600 00	Oct. 14, 1875	... do..	Balance due on loan after crediting proceeds of sale, $465.64. Balance deemed worthless.
116 C street, northeast. Three-story and basement pressed brick front, with two-story back building; all modern improvements.	3,600 00	July 23, 1878	....do............	Balance due on loan after crediting proceeds of sale, $4,430.43. Balance deemed worthless.
136 Pennsylvania avenue east. Three-story and basement pressed brick front; all modern improvements.	1,400 00 (subject to prior trust.)	Mar. 17, 1876	....do............	Amount of prior trust assumed and paid, $6,128.89. Balance due on loans after crediting proceeds of sale, $1,142.69. Deemed worthless. Title in litigation.
402 First street southeast. Two-story and basement frame house; all modern improvements.	1,500 00	May 29, 1876	....do............	Balance due on loan after crediting proceeds of sale, $529.05. Balance deemed worthless.
B street between Third and Fourth streets northeast. Vacant lot.	46 cents per foot.	Apr. 3, 1875	....do............	Balance due on loan after crediting proceeds of sale, $161.97. Balance deemed worthless.
412 E street southeast. Two-story frame house.	275 00	Dec. 21, 1875	....do	Balance due on loan after crediting proceeds of sale, $418.00. Balance deemed worthless.
Maryland avenue, Eighth and North E streets. Vacant lots.	10 cents per foot.	May 3, 1876	....do ...,.......	Balance due on loan after crediting proceeds of sale, $1,605.40. Balance deemed worthless.
Twelfth and N streets southeast. Vacant lots.	1⅓ cents per foot.	Oct. 3, 1877	....do............	Balance due on loan after crediting proceeds of sale, $76.20. Balance deemed worthless.
Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets.	258,315 66		By direct purchase and construction.	Banking-house and adjacent property.
2018 Tenth street northwest. Two-story brick house.	1,450 00	Aug. 4, 1875	Under deed of trust.	Balance due on loan after crediting proceeds of sale, $76.08. Balance deemed worthless.
1603 Twelfth street northwest. Two-story frame shanty.	1,025 00	Mar. 18, 1875	....do............	Balance due on loan after crediting proceeds of sale, $1.72. Sold and reacquired.

THE ROUTINE BUSINESS

of the bank was managed as might have been expected of a gang of plunderers. The clerks did as they would without supervision. The institution was not a business concern ; it was a means for easy plundering ; its accounts were not subject to scrutiny, and it made no manner of difference that the books were incorrect. Incorrect charges were made and proper credits were not given. The consequence was that the books furnish no reliable evidence against any debtor of the bank.

The following from Mr. Sperry's testimony before the Bruce committee will throw light on the manner in which the regular routine business of the bank was managed: He testified that the employees were all inexperienced persons, mainly young colored men to whom the managers of the bank ostentatiously gave the preference, while robbing the rest of the race. Perhaps it was as well for their schemes that those about them should be inexperienced and ignorant. With such guardians it was easy to mutilate the books and to tear out leaves containing damaging stories.

Being asked what were his duties in connection with the Washington branch of the bank, Mr. Sperry answered:

> A. I was put in there at various times, if possible, to straighten out the accounts, to organize the business, and I did my best to do so. I had various persons to help me. The blunders simply ran over me; that is all there is about it. I stopped the business once and opened a new set of books. The new set of books was worse than the old set. I am reflecting on nobody, sir; I am simply stating the facts.
>
> Q. The blunders, you say, simply overwhelmed you? A. Yes, sir; they just overwhelmed me. Why, you could not settle the cash any night. Sometimes they were from five thousand dollars to five cents one way, and sometimes they were t'other way. Everybody felt like going out and having a special oyster supper if the thing came out even.
>
> Q. It was an exception, you mean, to have it come out even? A. That is what I mean, sir. Put the actuary on the stand and ask him if he don't remember those times.
>
> Q. When the account of cash was over or under, what did the officers of the bank do about it? A. Oh, they did the best they could—opened a debit and credit account with the branch, and profit and loss on the books of the principal office. If the cash was "over" we took possession of it. When it was short we made it up. We always waited for something to turn up.
>
> Q. That is, you transferred from one side of the account to the other? A. That is to say, we would start the teller right in the morning anyhow, and keep an account of the errors and omissions that might occur from time to time. Things were continually coming up. "Overs" were accounted for generally by some deposit turning up that had not been properly entered on the deposit journal. Then these things were so numerous that they have furnished your experts legitimate occupation for some months, I understand, and they have not yet got the profit and loss account cleared up, I see.

With such management and such dishonesty, is it any wonder that this Republican institution for the benefit of the freedmen met with disaster, and its poor dupes with ruin?

In 1874 the affairs of the bank were placed in the hands of three commissioners. Their acts have been investigated by a committee of which Senator B. K. Bruce, of Mississippi, was chairman. He has made a long and patient investigation, and the testimony taken before his committee corroborates the story as already told in these pages. It does more, for it makes certain that even in its winding up the Freedmen's Saving and Trust Company and its poor creditors were still the victims of unscrupulous politicians. Both Purvis and Creswell paid no more attention to the affairs of the concern than though they had never been employed to look after the business at salaries of $3,000 per annum. Leipold alone did his work.

The following is a statement of the extraordinary cost this commission has been to the bank:

COST OF WINDING UP THE BANK.

Statement of the annual expenses attending the appointment of the Commission, and its management of the business of the Freedmen's Savings and Trust Company.

Character of Expenditures.	From July 13 to December 31, 1874.	1875.	1876.	1877.	From January 1 to November 30, 1878.	Totals.
Salaries of commissioners.........	$4,308 32	$9,000 00	$9,000 00	$9,000 00	$8,250 00	$39,558 32
Salaries of agents................	24,912 24	17,046 91	9,925 74	5,054 92	7,289 76	64,229 57
Advertising, stationary, expressage, postage and other ordinary expenses....................	4,266 37	4,539 17	1,217 17	631 91	1,106 47	11,761 09
Attorneys' fees and costs.........	2,503 65	7,306 74	10,362 99	7,019 03	4,186 41	31,378 82
Rents.............................	7,993 32	1,238 00	....	....	....	9,231 32
Expenses incident to loans, insurance, advertising, auctioneers' fees, expenses of forcelosure, &c.	4,570 89	6,279 89	10,596 92	3,509 21	3,279 91	28,236 34
Expenses incident to the maintenance of properties, insurance repairs, fuel, gas, &c....	2,715 26	9,675 37	10,035 23	9,811 01	7,907 69	40,145 04
Taxes and arrearages of taxes.....	17,933 28	14,387 90	26,691 95	11,942 16	7,780 01	78,735 30
Prior incumbrances................	4,936 38	572 26	6,379 27	416 80	76 83	12,381 54
Miscellaneous expenses, premiums on coin, over-payments refunded, judgments against company, &c.	316 72	1,511 09	1,169 98	49 55	57 96	3,096 30
Total annual expenditure.....	74,456 43	71,557 33	85,370 25	47,434 59	39,935 04	318,753 64

The following statements of transactions, not heretofore fully narrated, are taken from the report of the Bruce committee:

J. C. KENNEDY LOAN.

A loan was made to J. C. Kennedy, March 27, 1872, for $12,000, on $20,000 second-mortgage bonds of the Seneca Sandstone Company. This loan was made just after the questionable transactions between the bank, the Seneca Stone Company, and Kilbourn and Evans, and made on the same kind of worthless security. This loan has never been paid, and the question of settlement is now pending in the courts on suit brought by the commissioners. The probabilities are that this amount will be lost to the bank.

VANDENBURGH.

Another set of loans by which the bank will suffer heavy loss are those made to J. V. W. Vandenburgh and the Abbott Paving Company, of which Vandenburgh was treasurer. Loans amounting in the aggregate to $122,000 were made to Vandenburgh, the collateral for which consisted of certificates of the Board of Public Works of the District of Columbia, and approved bills against the District for work done improving streets, etc.

There is still due the bank from Vandenburgh about $77,000.

The Abbott Paving Company, of which Vandenburgh was treasurer, also obtained large sums from the bank in the nature of loans, for which the same class of securities were given as in the Vandenburgh loans. The loans to the Abbott Paving Company aggregated $89,000, of which about $48,000 have been paid. It is estimated that the loss to the bank in these two cases will reach between $50,000 and $75,000.

The loans made to Vandenburgh and the Abbott Paving Company were made at various times during the years 1870-'71-'72-'73 and '74.

EVANS LYONS LOAN.

The Loan of $34,000 to Evan Lyons, made on the 23d of July, 1872, has caused a loss of $25,000 to the bank. The collateral given consisted of 60 acres of land, known as the Lyons Mill Seat, in Washington county. Lyons made four applications for loans of smaller amounts, offering in each case the same collateral. Upon presentation of the application to the finance committee it was repeatedly rejected, and on the 8th of May, 1872, it was rejected absolutely. Yet on the 23d of July following the same finance committee approved this loan to him for $34,000. The board of trustees, at a meeting of May 16th, 1870, expressly forbid the making of any loan for a longer period than one year. When the bank closed in June, 1874, this loan remained unpaid, and when the affairs of the bank were turned over to the present commissioners there was due from Lyons, including accrued interest, the sum of $38,188.37.

The commissioners of the company subsequently sold the property under the deed of trust held by the bank, and bought it for $40,000. They still hold the property, being unable to obtain a purchaser for it at a price anywhere near the amount of indebtedness. It is estimated that the loss on this loan will amount to $25,000. This statement of facts, taken from the books of the company, was not satisfactorily explained by the testimony taken on this point.

R. I. FLEMING LOANS.

The loans made to R. I. Fleming aggregated about $224,000. A balance is still due from Fleming of $35,026.98. The securities taken for the loans made to Fleming were often insufficient, consisting mainly of approved bills against the District of Columbia, Young Men's Christian Association stock, and collaterals of that character, and in some cases no security was taken. Fleming is now bankrupt, and there is very little prospect of the Freedman's Savings and Trust Company ever realizing anything on his indebtedness. The estimated loss on the Fleming loans will aggregate $32,000. The following named were members of finance committee and approved many of the loans made to Fleming, viz.: Messrs. Kelly, Cooke, Huntington, Richards, Langston, Balloch, Clephane and Tuttle.

JUAN BOYLE LOANS.

The loans appearing in the name of Juan Boyle were made in direct violation of the charter. The board of trustees had, by a yea-and-nay vote, closed the bank on the 29th of June, 1874. The books show that $33,366.66 was loaned Boyle on the 30th of June, the day after. For one loan, viz., $4,366.66 no collateral whatever appears to have been taken, and for the other, viz., $29,000, collateral utterly worthless was accepted, in direct violation of the amended charter, which provided that the collateral in all cases should be of double the value of the loan. In this case it amounted to but $18,000, $10,000 of which turned out to be of no value whatever. The $10,000 note of Boyle, part of the security, was secured by real estate upon which there existed a prior lien, and the real estate in question was sold under this prior lien, thus leaving only the $8,000 of railroad bonds.

The estimated loss on the Boyle loans is $31,000, which includes interest, cost and expenses. These loans were not approved by the finance committee or the board of trustees.

The result of the Bruce investigation was a bill introduced by Mr. Garland, a Democratic Senator from Arkansas, repealing the act providing for the three commissioners and turning the institution over to the Comptroller of the Currency, with power to sell the bank's property and institute civil and criminal proceedings against the men who robbed the freedmen.

TWELVE YEARS OF FRAUD, PLUNDER AND PECULATION—THE EMMA MINE.

A brief history of some of the peculations and corruptions which have characterized the last twelve years of radical rule are gathered from the official records of the government. One of these scented flowers in the bouquet of Civil Service corruption is presented in the case of the "Emma Mine," showing how for the first time in our history an American minister has used his official station to fleece the people to whom he was sent as the representative of America.

THE EMMA MINE.

In 1871 Trenor W. Park and Henry H. Baxter, American citizens, purchased 9–16 interest in the Emma mine, situated in Utah, for which they paid $468,750, or at the rate of $1,500,000 for the whole mine. The purchase was subject to a litigated claim of James E. Lyon, of Wisconsin, for one-third. Lyon employed Senator William M. Stewart as his attorney.

The Emma mine was extensively worked up abroad. Fabulous stories were circulated about the production of silver from its richly-laden veins. Extraordinary efforts were made during the summer of 1871 to secure a large product of ore, and the mine was exhausted in the effort. The ore was shipped to England and sold, and the mining world was fully informed of the large yield and extraordinary prices obtained. In September, Park, representing the owners of the mine, and Stewart, representing Lyon, went to Europe to float their bauble upon the English market. Albert Grant, the great European speculator, whose star of prosperity was at its zenith at that time, agreed to put the mine upon the market.

THE SCHEME CONCOCTED.

The contract with Grant provided that the property should be capitalized at £1,000,000, or $4,500,000 more than the estimated value of the mine. One-half of the property was to be offered to the public in £20 shares, and the other half to be retained by the vendors for nine months, unless Grant & Co. should consent to their sale at an earlier date. For "promoting" the company Grant was to receive 20 per cent. on the sales. He was also to keep up the market by buying the vendors' shares whenever it became necessary, at a premium. There was one other and very important stipulation exacted by Grant in connection with his job to bloat the mine. That was the association with the enterprise of Minister Schenck

HOW MR. SCHENCK CAME IN.

In November, 1871, Robert C. Schenck was minister of the United States at the Court of St. James. When Park and Stewart arrived in England they determined to secure his official influence. They treated him just as Oakes Ames did Garfield in the Credit Mobilier transaction. Park proposed to Schenck that he should become a subscriber in the company to the extent of 500 shares, par value £10,000, with the understanding that he should not be required to pay any money, but should have the amount for one year without interest. Park also guaranteed that dividends should be paid on Gen. Schenck's stock at the rate of 1½ per cent. per month, or 18 per cent. per annum as long as he held it. The 25 shares were sold by Gen. Schenck to a lady residing in Paris as an act of friendship for £500.

GENERAL SCHENCK RAISES THE BLIND.

As soon as the American minister had become interested in the company without expending a dollar of his money, he consented readily to become a director. A salary of $2,500 was paid to each of the directors. A prospectus was issued containing a list of directors, among them the name of "Gen. Robert C. Schenck, United States minister, London." In the body of the prospectus was the following paragraph:

"Major-Gen. Schenck, *on account of the exceptional character* of the undertaking, has consented to act as one of the directors."

The prospectus contained a number of lies at the outset. It stated that the profits for four months were £231,059, or at the rate of £700,000 per annum. Dividends were paid for thirteen months at the rate of 1½ per cent. Shares went up to £32 and the owners quietly unloaded. In December, 1872, the scheme exploded, and shares in the following May sold at £1 5s. Innocent investors suffered great loss and distress. Hundreds of poor people, attracted by the indorsement of the American minister, put their savings into the scheme and lost everything.

GENERAL SCHENCK THROWS UP HIS HAND.

As soon as the fact of Schenck's connection with the mine became known in the United States, the newspapers criticised his conduct severely, and Schenck, like Garfield in a similar plight, began to squirm and prevaricate. He said he had paid "dollar for dollar" for his shares, which was entirely false. Schenck then retired from the directorship, but gave the scheme a parting puff in so doing. He said: "I have the fullest confidence in the value and profitableness of the property they have in charge."

In April, 1872, Schenck obtained 300 additional shares and sold them at a profit of $10,000. Park notified Schenck by telegraph when the scheme would burst, and Schenck immediately ordered 2,000 shares sold on Park's account, 500 on Woodhull's account (Woodhull was Secretary of Legation), 200 shares of his 475 investment shares.

After a full investigation of the transaction, the House committee passed the following: *Resolved,* That this House condemns the action of Gen. Robert E. Schenck, United States minister at the Court of St. James, in becoming a director of the Emma Silver Mining Company of London, and his operations in connection with the shares of the said company, and the vendors thereof, as ill-advised, unfortunate and incompatible with the duties of his official position."

This case (like the DeGolyer fee) finally came into court, and in London, on the 29th of July, 1880, Sir George Jessel, Master of the Rolls, gave judgment against Albert Grant in favor of the Emma Mining Company for £120,000, that sum being claimed by Grant as profit for floating the company. Sir George Jessel held that Grant, by making a profit as promoter of the company, was guilty of breach of trust.

THE WHISKY RING.

A REMARKABLE EPOCH OF OFFICIAL CORRUPTION.

Whisky Rings of greater or less magnitude have been in existence ever since the tax was first imposed upon distilled spirits. They flourished from 1862 to to 1874, but it was not until Gen. Bristow, then Secretary of the Treasury, began his fight against the violators of the law in Missouri and Illinois, and the ramifications of the conspiracy were found to extend into the White House, that public attention was attracted to the enormity of their frauds. In 1862 the first tax was imposed upon whisky.

THE INCIPIENT WHISKY RINGS.

The civil war was raging, and it became necessary for the government to increase its revenues. There had previously been much talk about imposing a tax on spirits, and shrewd speculators had bought immense quantities of whisky and were holding it for the rise in price which would follow the imposition of the tax. The Committee of Ways and Means recommended that a tax of twenty cents per gallon be imposed upon domestic spirits. An attempt was made to make this tax apply to spirits already manufactured. The whisky dealers assembled at the capital by hundreds, begged and bribed members of Congress to vote against the proposition, and it was defeated. The tax was levied only upon spirits manufactured after the passage of the law. Millions were made by the speculators within two years from the imposition of the first tax. An increase of the duty was agitated ; the same tactics were repeated ; distilleries were enlarged and the capacity of stills was increased. It is estimated that the speculators had 25,000,000 gallons on hand, and were manufacturing hundreds of thousands of gallons daily.

Of course, the high tax levied upon spirits was really a premium on fraud. If a distiller could manage to make a few gallons per day of "crooked" whisky his profits were enormous. The Ring was liberal in its expenditure of money. The campaign expenses of members of Congress were paid by the distillers, and a favorite method of securing influence was to buy a hundred barrels of whisky on commission for certain Congressmen, selling after the tax bill had passed.

THE RING CONTROLS THE REPUBLICAN ADMINISTRATION.

A very large proportion of the campaign expenses of the Republican party in 1868, and again in 1872, were paid by the Rings. In return for their services they demanded the means of making money rapidly, and their shameful robberies were winked at by the party in power. Combinations were formed with the Federal officials at St. Louis, Chicago, Evansville and Milwaukee. Officers of the government were appointed at the direction of the Rings. Local revenue officials were selected by the members of Congress, who designated appointments, and the members themselves were elected with the Ring's money. In Galena, Ill., the northwestern Ring was very powerful. The Galena Ring nominated the Federal officials for Chicago. J. Russell Jones, a particular friend of Grant's, was collector of customs. Ben. H. Campbell, Babcock's father-in-law, was marshal of the Northern district of Illinois. The collector of internal revenue was controlled by Campbell. Senator Logan was credited with being on terms of great intimacy with the Ring. Dan Munn, the supervisor for the district comprising Indiana, Illinois and Wisconsin, was a particular pet of Logan's. Munn was connected with the frauds which brought the administration into such bad odor in 1874.

WHY GRANT WAS SUSPECTED OF COMPLICITY.

The perpetration of frauds on the revenue would have been impossible with honest men in office. When the administration was fortunate enough to stumble upon an honest and capable man, he was not allowed to remain long in office. The appointment of an honest collector of internal revenue in any district where the Rings were in power was certain to be followed by the advent of an army of politicians into Washington clamorous for his head. Grant always yielded. He obeyed their behests implicitly. It is not a matter of surprise that people began to suspect that the ramifications of the Ring extended to the White House. In May, 1869, Col. Jussen, a brother-in-law of Carl Schurz, was appointed collector of internal revenue at Chicago. Jussen was an honest officer. The dealers attempted to buy him, but failed. He detected a gauger by the name of Lamper stealing high wines, and had the temerity to discharge him. Lamper was given another office by Grant, but Jussen was not disturbed. A few months after he had taken the office, Orville Grant, the President's brother, who was then in business in Chicago, approached Mr. Jussen, and proposed that he should join him in defrauding the government by permitting a certain distillery to run double its registered capacity. Mr. Orville Grant moralized as follows:

"If you decline, the government will gain nothing, for in that event the distillery will not increase its product. If you consent, the same tax which you now collect will still be paid, and the receipts of the government will, therefore, not be diminished. A few barrels more or less on the market cannot depress the quotations, and the competitors who do not enjoy the privileges I ask for my friends cannot suffer. There can really be no fraud in the transactions proposed. *Moreover, I shall see to it that all is safe at Washington.*" Mr. Jussen, of course, declined the job. The collector's honesty was a serious barrier to the operations of the Ring. Congressman Farwell and the local politicians joined hands in securing Mr. Jussen's removal. Senator Logan gave his assistance to the movement, and the President, without any complaint being made by the Treasury Department, unceremoniously removed him.

MILWAUKEE WHISKY RING.

In June, 1874, Bunker & Rogers' distillery in Madison, Wis., was seized for shipping high wines, without compliance with the revenue laws, to Sam. Rhindskopf of Milwaukee and the Killian Bros. of Chicago. As soon as the seizure was made Supervisor Munn went to Madison to take possession of the books and papers of the firms. The correspondence he thus obtained would have convicted all the guilty parties.

Sam. Rhindskopf of Milwaukee, whose guilty participation in the fraud was so apparent that he could not be shielded, was arrested. He had the powerful assistance of Senator Carpenter of Wisconsin to save him from punishment. He was indicted, but the case was postponed from time to time at the request of Senator

Carpenter. Commissioner of Internal Revenue Douglass ordered the district attorney to continue the case, and the probability is, if the Commissioner's instructions had been obeyed, that Rhindskopf would never have been brought to trial. The district attorney, however, proceeded with the case, and Rhindskopf was convicted and sentenced to pay a fine of $5,000 and be imprisoned in the county jail for one day only. The fine was a mere bagatelle. The imprisonment was an amusement. He passed the day in the company of his intimate friends, to whom he gave one of the most magnificent entertainments that was ever heard of in Madison.

The Whisky Ring purchased a newspaper and ran it as a Carpenter organ.

The special revenue agent for that district, Mr. Burpee, was removed at the demand of Keyes, the Chairman of the Republican State Central Committee, and a willing tool was appointed in his stead.

Every Democratic district in Milwaukee was carried by the Republicans oy a liberal use of the Whisky Ring money.

When the books of Rhindskopf were seized, the check-book stubs showed that each distiller and rectifier in Milwaukee was assessed $200 per month for the "boss" of the Republican "machine," Mr. Conklin.

THE WHITE HOUSE AND THE RING.

In 1874 Gen. B. H. Bristow was appointed Secretary of the Treasury. Immediately after his confirmation by the Senate he began an active warfare against the Whisky Ring. His lieutenant was Bluford Wilson, Solicitor of the Treasury. George W. Fishback, of St. Louis, communicated to Gen. Bristow the fact that an organized system of fraud upon the internal revenue existed in that city.

It appeared that the officers of the revenue service in that city, from Supervisor McDonald down to and including nearly every gauger and storekeeper in the public service, and every distiller and rectifier in St. Louis, were banded together in active efforts to defraud the revenue. It was necessary that every movement made under the direction of the Secretary of the Treasury should be kept secret. In March, 1875, the nets were thrown out by trusted agents of the department, under the direction of Gen. Bristow. The Chicago distillers were watched and detected in their frauds. The government devoted its principal attention to the frauds in St. Louis. McDonald, the supervisor of internal revenue, was confronted by Gen. Bristow with the proofs of the frauds committed by himself and his confederates. He broke down and admitted the truth of the charge. To Mr. Wilson he said that the interests of the Republican party in Missouri, and in his district, would be damaged greatly by the seizure of the distilleries. He said that arrangements had been made to heal the dissensions then existing in the Republican party in that state, and he claimed that he could do more for the party in the ensuing Presidential campaign than any other man, or ten men, that could be found. But the Secretary of the Treasury and the Solicitor were not influenced by political considerations. McDonald confessed his guilt to the President, *but he was never dismissed.* McDonald, Joyce, McKee, Avery and other parties were arrested shortly afterwards, indictments having been found against them for complicity in the whisky frauds. David P. Dyer was the district attorney in St. Louis. J. B. Henderson and Lucien B. Eaton were appointed his assistants. The rogues were convicted and sentenced to prison.

About this time suspicions were aroused that the President's private secretary, Orville E. Babcock, was concerned in these frauds. It was not known whether the ramifications of the Ring extended above the private secretary of the President or not, but certain it is that when the evidence implicating Babcock reached President Grant there was a marked change in his demeanor. Secretary Bristow's course was not approved by the President, and the rumor was current that he would soon be forced to surrender the Treasury portfolio.

In August it was discovered that the celebrated "Sylph" telegram was in Gen. Babcock's handwriting, and that he was on intimate terms with the members of the Ring. Gen. Bristow attempted to secure from the President some indorsement of his action in prosecuting the thieves, and Gen. Grant, who was then summering at Long Branch, wrote upon the back of a letter, the celebrated indorsement, "Let no guilty man escape, if it can be avoided." This apparent guarantee of the President inspired the Secretary with new zeal, and operations against the "Ring" were resumed with renewed vigor. The official backers of the thieves mustered in Washington and circulated most abominable falsehoods about Secretary Bristow. The President seemed willing to listen to these stories. He accused Bluford Wilson of endeavoring to involve him in the whisky frauds. This unjust accusation Mr. Wilson promptly denied. Gen. Grant would not listen to anything imputing guilt to Babcock.

THE PRIVATE SECRETARY INDICTED.

The proofs against the private secretary were so strong that he was indicted. About this time Gen. Grant charged that Mr. Henderson was openly hostile to him, and signified his intention to remove him.

Jim Casey, the President's brother-in-law, who was also believed to be connected with the Ring, was particularly violent against the government prosecuting officers. As soon as Babcock was indicted the idea of a military court of inquiry was brought to the front, and the President of the United States took the ground that the military court should supersede the civil tribunal at St. Louis. He asked that the papers in the case against Gen. Babcock should be handed over to a military court prior to their issue in the civil courts of the country. Gen. Henderson was dismissed from the prosecution in opposition to the written protest of the Solicitor of the Treasury and the verbal protest of the Secretary. This dismissal was a fatal blow to the prospect of a successful prosecution in Gen. Babcock's case.

Mr. Wilson was sent for by the President to give him an outline of the proof against Babcock in the possession of the government. A man named Everest announced his willingness to testify that he had seen Joyce mail two letters containing $500 each, one addressed to Babcock.

As soon as the President had obtained this interesting information he imparted it to his private secretary, and Gen. Babcock called upon Mr. Wilson and asked to be informed of the evidence in possession of the department tending to implicate him. The President questioned the prosecuting officers in Babcock's interest. To secure the conviction of the thieves it became absolutely necessary to take the testimony of accomplices. Gen. Grant made a terrible fuss about this. About this time he compelled the Attorney-General to issue a circular letter to district attorneys, stating in substance that he was dissatisfied with the policy that had been adopted, and intimated that they must not go so far in their attempts to secure convictions.

GENERAL BABCOCK WAS DISMISSED.

About this time Gen. Babcock was dismissed. His removal was not due to his suspected complicity with the Whisky Ring. He had speculated in the famous

Black Friday operations and lost about $40,000. He had deceived the President, but Grant expressed his belief of Babcock's innocence of the whisky frauds to the last.

Day by day he received the Secretary of the Treasury and Mr. Wilson with increased coldness. Mr. Wilson, on June 20, 1875, tendered his resignation as Solicitor of the Treasury, and a day or two later Gen. Bristow resigned.

The Rings were substantially broken, but the faithful officers who exposed the frauds were punished by virtual dismissal.

THE BELKNAP IMPEACHMENT.

The impeachment of General W. W Belknap, Grant's Secretary of War, was one of the disasters that overtook the Republican party in the closing years of its legitimate exercise of power. Belknap was the victim of discovery. He was found out, but in his finding out there were dragged down a good many others against whom the evidence was not so direct as it was against him.

The case against Belknap, stated briefly, was this: In 1870, John S. Evans was post-trader at Fort Sill. In July, 1870, Congress passed an act giving the appointment of post-traders to the Secretary of War. Strange as it may appear, this provision was a rider on an army bill. General Garfield's objection to legislation on appropriation bills seems to be confined to that kind which relieves the people of burdensome and odious laws; he always voted for such riders as the post-trader one, which gives an opportunity for official plundering. This rider was in the interest of thieving, for it took from the post council of administration the power to control the sutler in his prices, and superseded the act of 1866, which provided that the soldiers should have their supplies at cost. It thus gave to a post-trader the monopoly of trade with the soldiers, and the power and right to be extortionate as he naturally would be. What avail the Secretary and his post-trader made of their rider will be seen further on. Evans made application for appointment under this law as early as June 23d, 1870. His application was indorsed by General Gierson, commandant of the post, and by all the officers stationed at the post. It was a remarkably strong recommendation of a man who had been a post-trader at Fort Sill, and who was known in that capacity by all who indorsed his application. Other recommendations were forwarded, and there was no other application except one made by C. P. Marsh, of New York, which was filed on the 16th of August. The evidence in the trial of Belknap pointed to the fact that this letter had been written after its alleged date of filing, and was not received August 16th. It is indorsed by Belknap, "Received August 16th;" but the records of the War Department show that Belknap was absent from Washington from the 12th of August to the middle of September.

There was nothing in support of Marsh's application. Evans called on the Secretary of War in October, and was then told by Belknap that he had promised the appointment to Marsh, who would be in the city that or the next evening, and he had better see him and they could probably make some satisfactory arrangement.

THE ARGUMENT BETWEEN EVANS AND MARSH.

Marsh says he was called to Washington by a telegram from Belknap, or Mrs. Belknap; that he came here and called on the Secretary, and was informed by him that Evans was in the city and he had better see him. The Secretary also said that Evans had a large stock on hand at Fort Sill, and he (Marsh) ought to make some arrangement to save him from loss. Belknap told him where Evans would be found (*see page* 164 *of the Record*). At this suggestion Marsh called on Evans, and they made the arrangement preliminary to the agreement of the 8th October, 1870. The sum of $20,000 was first exacted by Marsh; finally $15,000 was fixed, and the parties were to go to New York the next day and have the writings drawn.

On the way to New York, the next day, Evans stated to Marsh he had seen a statement in the paper that a portion of the troops stationed at Fort Sill were to be removed; that $15,000 was more than he could pay, and the sum of $12,000 was finally agreed upon, to be paid quarterly in advance. Why paid in advance? Clearly, from the terms of the agreement, to secure the certain payment of the bonus and to enable Evans to hold the place. It was not to be a division of profits, but the payment in advance of a fixed sum, whether Evans made profits or not. If he had made a dollar or a dime, he was bound to pay this large bonus or surrender his post (*see Record, Impeachment Trial, p.* 112).

It will be seen, therefore, that the rider on the army bill was availed of so far as the Secretary of War was concerned; he had sold the office the appointment to which was given him by the statute. The evidence that the appointment of Marsh was a mere cover by which the place might be sold to Evans for the benefit both of Belknap and Marsh is shown by the following correspondence:

MARSH'S LETTER TO BELKNAP.

No. 51 West Thirty-fifth Street,
New York City, October 8, 1870.

Dear Sir: I have to ask that the appointment which you have given to me as post-trader at Fort Sill, Indian Territory, be made in the name of John S. Evans, as it will be more convenient for me to have him manage the business at present.

I am, my dear sir, your obedient servant,
C. P. MARSH.

P. S.—Please send the appointment to me, 51 West Thirty-fifth street, New York City.

Hon. W. W. Belknap, Secretary of War, Washington City.

Two days after this the respondent made the following appointment:

War Department,
Washington City, October 10th, 1870.

Sir: Under the provisions of section 22, of the Act of July 15, 1870, you are hereby appointed a post-trader at Fort Sill, Indian Territory, and will be required to assume your duties as such within ninety days from the date of this appointment. You will please report to this department through the adjutant-general's office your acceptance or non-acceptance of this appointment.

WM. W. BELKNAP, Secretary of War.

Mr. John S. Evans, care of C. P. Marsh, Esq., 51 West Thirty-fifth street, New York City.

Evans, it was known, would lose greatly, if not suffer ruin, by failing to secure this post-tradership. The two argued from this that he would be willing to pay something for it.

Belknap carried out his agreement, at once ordering the removal from Fort Sill of all traders except Evans. This order was obeyed and Evans given the monopoly.

Almost immediately after taking the post, Evans was found guilty by the officers stationed there of introducing liquor into the Indian country. Belknap came forward in his defense, and without an opportunity to make an examination of the case, declared Evans guiltless.

BELKNAP AND MARSH HAVING CHARGED EVANS $12,000 a year for the post-tradership, the latter was obliged to make it up from the soldiers to whom he sold goods. Complaint having been made by General Hazen, through the columns of the New York *Tribune*, that Evans was extortionate, Belknap wrote the following letter to General Grierson:

War Department,
Washington City, February 17th, 1872.

The commanding officer at Fort Sill will report at once directly to the Adjutant-General of the Army, for the information of the Secretary of War, as to the business character and standing of J. S. Evans, post-trader at that post; whether his prices for goods are exorbitant and unreasonable or whether his goods are sold at a fair profit; whether the prices charged now and since his appointment to that position by the Secretary of War, under the Act of July 15th, 1870, are higher than those charged by him prior to that appointment, when he was trader under previous appointment; whether he has taken advantage of the fact that he is sole trader at that post to oppress purchasers by exorbitant prices; whether he charges higher prices to enlisted men than to officers, and whether he has complied with the requirements of the circular of the Adjutant-General's office, issued June 7th, 1871.

The commanding officer is expected to make as full and as prompt a report as is possible.

W. W. B.

To this General Grierson made the following reply:

HEADQUARTERS, FORT SILL, INDIAN TERRITORY,
February 28th, 1872.

ADJUTANT-GENERAL UNITED STATES ARMY, WASHINGTON, D. C.

Sir: I have the honor to acknowledge the receipt of your letter dated February 17th, 1872, relative to the post-trader at this post.

EVANS NOT AT FORT SILL FOR MONTHS.

I understand J. S. Evans' character as a business man is good, and he has heretofore given general satisfaction; but Mr. Evans is absent, and has been for some months, and has associated with him J. J. Fisher, now also absent, who has had control of the establishment and who claims to have the greater pecuniary interest in the business (the business being conducted, however, under the name of J. S. Evans). Repeated complaints have been made to me of the exorbitant prices at which goods were sold by them, and when I have represented the matter to the firm they replied that they were obliged to pay $12,000 yearly (to a Mr. Marsh of New York City, who they represent, was first appointed post-trader by the Secretary of War) for their permit to trade, and necessarily had to charge high prices for their goods on that account. I have repeatedly urged them to represent this matter in writing to me, in order that I might lay the matter before the proper authority to relieve the command of this burden, upon whom it evidently falls; but they declined to do so, stating that they feared their permit to trade would be taken from them.

As the prices could not be regulated by a council of administration, the trader not being a sutler, it has been contemplated by some of the officers of the garrison to represent this matter, without reference to J. S. Evans, through the proper military channels, but as it was claimed that the authority for the tradership emanated from the Secretary of War, it was feared that that course might be construed as taking exception to the action of superior authority.

The prices are considerably higher since his appointment by the Secretary of War than previously, and he has undoubtedly taken advantage of his position as sole trader in charging these exorbitant prices, giving the reasons above quoted, stating that he could not, under the circumstances, sell goods at lower prices.

It has also been reported to me that he charges enlisted men greater prices for the same articles than he does officers, and, at all events, it is very evident that the officers and men of this garrison have to pay most of the $12,000 yearly, referred to above, they being the consumers of the largest portion of the stores.

UNITED STATES SOLDIERS ROBBED FOR TRADERS' BENEFIT.

I feel that a great wrong has been done to this command in being obliged to pay this enormous amount of money under any circumstances: the largest portion of which, at least, has been taken from the officers and enlisted men of this post, nearly all the money of the latter mentioned going to the trader. The responsible party of this great injustice should be held responsible and be obliged to refund the money.

If J. S. Evans has *not* paid this exorbitant price for permission to trade, as stated by him, his goods should be seized and sold for the benefit of the post fund.

In order to insure a healthy competition, to reduce the price of goods, and to relieve the officers and soldiers of this garrison from this imposition, I recommend that at least three (3) traders be appointed, and that those appointments be made upon the recommendation of the officers of the post; that each trader be *known* to be interested only in his own house, and that they be obliged to keep such articles as are required for the use of officers and enlisted men of the army and to sell them at moderate prices.

The trader complies with circular of A. G. O., issued June 7, 1871, as far as I am aware.

The buildings (store, etc.), however, are not convenient to the present garrison, having been built when the command was in camp.

Very respectfully, your obedient servant,

B. H. GRIERSON, Colonel Tenth Cavalry, Commanding.

Received in the office of the Adjutant-General, March 9, 1872.

[Indorsement.]

WAR DEPARTMENT, A. G. O., March 11, 1872.

Respectfully forwarded to the Secretary of War, with application of C. P. Marsh for tradership at Fort Sill.

E. D. TOWNSEND, Adjutant-General.

Belknap took no notice of this matter until Gen. McDowell called on him and told him it was "a thing that would be damaging to the service if it was not at once corrected."

Then, with the concurrence of Gen. McDowell, Belknap issued an order which was very cunningly devised. This order gave the council of administration the power to fix the prices at which a post-trader should sell his goods, but gave the trader the right to appeal to the War Department should he feel himsel aggrieved.

The effect of this order was to reduce the amount of the annual payment to $6,000, it having been discovered that too much robbery of the soldier was made necessary by the payment of $12,000.

The truth about the payments by Marsh to Belknap is well stated by one of the Republican managers, E. G. Lapham, in his argument before the Senate. Evans paid Marsh $12,000 a year. One-half of this Marsh paid to Belknap quarterly in advance: the first $1,500 for Mrs. Belknap, the next two for his child, and after the decease of the child the like quarterly payments were made to him for his own use.

The following extraordinary letter was ignored both by Belknap and Grant, and its author summarily dismissed the army in court-martial proceedings:

CAPTAIN ROBINSON'S LETTER.

[Personal.]

SAINT LOUIS BARRACKS, Missouri, April 2d, 1876.

Sir: I have the honor to inform you that I am now preparing a set of charges against the firm of J. S. Evans & Co., post-trader at the post of Fort Sill, Idaho territory. I have been stationed at that post since its first location in 1868. Among the many charges I am preferring against this firm is one of malicious slander, in which both members of this firm have repeatedly stated, not only to myself but to Brevet Major-General Hazen, Brevet Major-General Grierson, and many of the officers of the Sixth infantry and Tenth cavalry, that they were paying you at one time $15,000 per year, at another date $12,000 per year, $1,000 per month in advance, and only a short time ago Mr. J. J. Fisher stated in my quarters at this post that he was still paying you the same amount.

He also informed Gen. Grierson at the same date at this post of what he termed "these facts." I was, while at the post of Fort Sill, Idaho territory, on the post council of administration many times, as its "recorder." The repeated statements of both J. S. Evans and J. J. Fisher to the fact that they could not sell their goods any cheaper to the men and officers of the United States army because they were obliged to pay to the Secretary of War $15,000 per year, monthly in advance. I took down carefully, with day and date, and the names of the officers present who heard these statements made. They were made before me officially as the recorder of the post council of administration.

I have thought that you, sir, should know these facts before I brought them to your official notice by sending the charges to you through all of the official channels, and to ask your advice as to the best and most expeditious manner of bringing these men to justice. Every man and officer of these regiments have been most outrageously swindled by this firm, as I have abundant testimony to prove. If I leave the army by sentence of the general court martial that has just tried me, it is by getting into unavoidable debt to these men, who, after getting all the money I had, now seek to ruin me, knowing that I alone am in possession of all the facts in the case against them. I honestly believe that these slanders on your name and action are false, and shall bring this firm to speedy justice whether I am in or out of the army, and ask of you, sir, your advice as to my procedure before action.

Should I remain in the army I shall, if you desire, transmit all of the documents entire to you for your information, and such action as you may see fit to take. I will either act as prosecutor or witness, as you may elect. Many of my notes are at my home in Baltimore, some of them here; but I have enough to draw charges on here, which I am now doing. Several newspaper men have made me very alluring offers for these papers, but I prefer to take the course I am now doing, so as to get officially all the facts on record before a court of justice against these men.

I am, General, your obedient servant,

GEORGE T. ROBINSON, Captain Tenth Cavalry.

HON. W. W. BELKNAP, Secretary of War.

On his trial Belknap's counsel, Judge Black, of Pennsylvania, defended him on the ground that he was no more guilty than his Republican associates in office. The following extract from Black's argument is instructive though humiliating:

ARGUMENT OF HON. JEREMIAH S. BLACK IN BEHALF OF BELKNAP.

I do not myself believe that presents are proper when taken by a public officer from a person who may by any possibility in the future have an interest in the officer's performance of his duties. I think so because, in the first place, "a gift blindeth the eye and perverteth the judgment of the righteous;" and also because, in the next place, these gifts may be used to cover essential bribery. I do not believe that the institutions of this country are perfectly safe in the hands of men who habitually receive presents from their friends and constituents, or from anybody. But I say now that there is no law that makes it a crime or misdemeanor; and that is not all. There is no code of morals known to the public men of this age, or to the men who now hold office, which condemns it. If our fathers could have foreseen the fatal degeneracy of their sons, perhaps they might have made some provision to prevent it; but they inserted nothing to prohibit it either in their Constitution or in their statutes, and you cannot in your judicial capacity supply the *casus omissus*.

PRESENTS AS A BRIBE.

"I give you an office and you give me another office," or, "I give you office and you give me money." What of that? If the exchange was preceded by a contract which made one the consideration of the other, that is bribery and corruption, but if there was no contract of that kind, the case is otherwise; and so it has been held in the case of the greatest and wisest and best men we have ever had in this country.

There was a time in 1825 when Mr. Clay held in his hand the presidency of the United States, and could give it to whom he pleased. He handed it over to John Quincy Adams, against whom there was a large majority of the states and the people. He did it in opposition to instructions almost unanimous from his constituents and in the face of his own recorded opinion that Mr. Adams was not a proper person to be chief magistrate of the country. The first thing that Mr. Adams did after he went into office was to appoint Mr. Clay Secretary of State. Did these two men bribe one another! They were charged with making merchandise of the highest offices under the government. The defense which both of them made against the charge of bribery was precisely the same that we make here, namely, that no proof could be produced to show the previous existence of a corrupt contract or understanding which could have influenced their conduct, and the general public acquitted them on that ground alone.

Remember, I do not hold up this transaction as an example of public virtue. I admire much more the high-toned behavior of Mr. Bayard twenty-five years earlier. He did not vote for Mr. Jefferson, but he had it in his power to protract the election in the House of Representatives so that Mr. Jefferson and Col. Burr would both of them have been defeated. For good and sufficient public reasons he determined that he would not use that power, but would retire from the contest and allow Mr. Jefferson's friends to elect him. After a few days Mr. Adams, the then incumbent of the presidential chair, offered him the mission to France. He said: "No; I cannot get to my post of duty until Mr. Jefferson shall be inaugurated, and then he will have the power to recall me. I would not hold any office under him, as I would virtually be holding this office, lest it might be inferred that I had received a reward for my action in the presidential election."

The most distinguished man, perhaps, that this country ever produced—certainly the greatest orator—one who was gifted with the most exquisitely organized intellect that ever was bestowed upon any of the children of men—was appointed Secretary of State by General Taylor. He said that he could not live upon the salary in a way that would accord with his taste and habits, and he invited his friends to make presents to him, and they did contribute among them $100,000, which they invested and gave him the interest of it for the remainder of his life. Was that bribery? It was given by merchants who were pleased with his advocacy of the bank, by manufacturers whose interest he had promoted by supporting a protective tariff, perhaps also by lovers of the Constitution, who admired him for the noble defense he had made of its principles. But there was no evidence and no reason to believe, and nobody ever did believe, that it was given as a consideration for previous services or in pursuance of a contract for future service. Therefore, and therefore alone, he was held to be innocent.

The member from Massachussetts (Mr. Hoar) said, speaking of the Union Pacific Railroad, that every foot of that road had been founded in corruption and built with the wages of iniquity. That is true; and it is equally well known that the managers of that corrupt concern gave large amounts of their stock and bonds to the wife of a Senator who was afterwards elected Vice-President. The wife received it with the full consent of the husband. Though he had voted for the charter of the corporation, and afterwards voted to extend its privileges, and always vindicated it by his speeches on this floor, there was no proof that the speeches and votes were the consideration given for the bonds and the stock. The absence of that proof left him in the full possession of the character which he had earned by his previous life. His popularity moulted no feather; he lived respected and honored and died in the odor of sanctity.

The members of the House of Representatives who received the same stocks and bonds from the agents of the same company considered themselves as fully acquitted when the committee failed to find that there had been any corrupt contract, and such was the view of the House when for that reason it refused to pass a vote of censure.

If Mr. Lincoln had been impeached, and evidence had been introduced against him like the trash you have here to show that his wife, with or without his knowledge, took a present from some contractor or some officer, who would have listened to it in patience? Mr. Lincoln could not have come into this court with a higher character than General Belknap. Judge Davis would have sworn for him that he was all his lifetime scrupulously honest. The governor of his state and any number of ex-governors, and the Senators in Congress, would have testified to the same fact; but he could not have a character one whit better than that which is made out by General Belknap, and by the force of that character the accusation would have been swept away like chaff upon the summer thrashing-floor. Nobody would have thought of a conviction.

THE VENEZUELA SCANDAL.

The Venezuela scandal arose out of the treaty of April 25, 1866, which provided a mixed commission for adjudicating the claims of American citizens against the Republic of Venezuela. Under this treaty each government was to appoint one commissioner, and those two were to agree upon an umpire. If they were unable to agree, the selection of the third person was to be left to the representatives of Switzerland or Russia at Washington. The decision of this mixed commission was to be final and conclusive as to all claims pending at the date of installation.

The action of this government was marked by fraud from the outset. The first step taken was the appointment of David M. Talmage of New York as commissioner on the part of the United States. General Antonio Guzman-Blanco was appointed commissioner on the part of Venezuela. Mr. Talmage had not the first qualification for the office of commissioner; he knew nothing of law, especially of the delicate questions arising under international law, and, moreover, was in bad repute in the country to which he was going, having been a constructor of gas works in Caracas, and there involved in serious lawsuits arising from said business. In New York he was a coal broker.

General Blanco and Mr. Talmage met August 30, 1867. Of course, they disagreed as to who should be appointed umpire. Mr. Talmage nominated Mr. Rolandus, but General Blanco objected, and insisted on the minister-resident of either England, France, Spain or Brazil. For some reason Talmage would not be satisfied with any one but Rolandus, and finally grew so insolent that Blanco refused to hold any communication with him. Talmage then appealed to the President of Venezuela, General Talcon, but was told that the government could not recede. Finally Blanco retired and another commissioner, Señor Francisco Condé, was appointed. More delay and more correspondence resulted in leaving the matter to Baron Stoeckl, the Russian minister at Washington. Immediately Talmage came home, was seen about Washington, and Stoeckl was mysteriously influenced to appoint a man of whom no one had ever heard, who had no diplomatic or legal training, but who was simply a candle-wick manufacturer. He had been in Talmage's employment. There was to be found the secret motive for his appointment. His name was Juan N. Machado, Jr., but Baron Stoeckl was so ignorant of the man and his family that he made out the appointment to Juan N. Machado. Naturally, this would have gone to the father, but Talmage knew who was meant, and he gave it to the son, writing back to the State Department to have the mistake corrected.

The commission was now organized to work the intended fraud. Thomas N. Stilwell of Indiana was minister to Venezuela, and his brother-in-law, William P. Murray, was secretary of legation. Notwithstanding his representative character, Murray was attorney for a large number of the claimants before the commission, and charged fifty per cent. on the allowances for his fee. He made this exorbitant charge for his influence, for he was really in partnership with Talmage, who, worse still, appeared as attorney for claimants before a tribunal of which he was a member, Machado, the umpire, being a willing tool. Murray openly boasted that he had a monopoly of the influence, and it is certain that all the claimants, in whose favor awards were found, were represented either by Mr. Murray or Mr. Talmage.

SUSPICIOUS CIRCUMSTANCES.

From Dr. James S. Mackie, a highly respectable gentleman, for a long time connected with the State Department of Washington, and the attorney for William H. Aspinwall and others, who had *bona fide* and just claims against Venezuela, the following valuable and suggestive evidence on the *modus operandi* of the American modern statesmen, Stilwell, Talmage, Murray & Co., was adduced before the Foreign Affairs Committee of the present Congress:

> I went into a coal broker's office, and found Mr. Talmage to be a coal broker, dealing largely in anthracite coal. I introduced myself, and congratulated him upon his appointment, and said: "Mr. Talmage, I want you to do me a favor, to look at a memorial which I have here (referring to a parcel of bonds). Have the goodness to count the bonds over, and to see that they are all there, as stated in my memorial, and take charge of them in behalf of American citizens whom I represent as attorney." Mr. Talmage said, "I cannot have anything to do with that kind of business." I said, "I beg your pardon; I thought you were a commissioner on the part of the United States to represent our citizens." Said he, "I have nothing to do with taking charge of their claims." I said, "Mr. Talmage, if you will excuse my personality, I was twelve years in the Department of State, and I have known all about all the commissions to the Spanish governments in that time, and I have never yet heard a commissioner, either an American commissioner or a foreign commissioner, say that it was no part of his duty to take charge of the claims of his fellow-citizens. I take it that that is one of the objects of your appointment." He said, "I cannot recognize that at all; I will have nothing to do with it." I then said, "Mr. Talmage, I was a commissioner of the United States myself to Peru, and I felt it not only a duty but a privilege to give every attention that I could to American claims before I went abroad." He still persisted. I said, "It is very strange; here I am, an attorney for these recognized claims, and you, as commissioner, refuse to take charge of them. What am I to do?" Said he, "Mr. Mackie, I advise you to go to a gentleman who happens to have a great deal of that business in his hands, and I think he is the best man that you can give your claims to." I said, "Who is he?" He said, "Mr. William H. Whiton." He gave me his address—I think some place in John street or Maiden lane. I went down to that place, and went through rows of bales of hay piled up all through a warehouse, until I came to a gentleman sitting with his hat on at a desk writing. I said, "Is Mr. Whiton here?" This gentlemen looked up and said, "Yes." I said, "Whiton, is that you?" I recognized in him an old friend and neighbor of mine when I was living on the heights of Georgetown. Said I, "I am looking for another man." He said, "Who?" I said, "A man of the same name, W. H. Whiton." He said, "What do you want with him?" I said, "I was referred to him by Mr. Talmage as having charge of Venezuelan claims; but you have nothing to do with Venezuelan claims?" "Yes," said he, "I have; I am the man." With a little strength of expression, I asked him what the deuce he knew about Venezuelan claims. He said that he had peculiar facilities for presenting them, and having favorable action upon them. I said, "Whiton, I have got a bundle of claims here, but I do not know why I should give them to you more than anybody else. What are you going to charge for taking care of them?" He said, "Fifty per cent." Said I, "That is modest. There is about $180,000 of these claims, and as much accrued interest, and you want half for presenting the memorial and claims. All the claims are recognized; they are simply protested notes of Venezuela. I cannot give you fifty per cent., because I could not control that." Said he, "I cannot do it for less, for I have got to divide." I said, "You cannot divide any of my friends' money," and I went out. I then immediately wrote to the Department of State, and transmitted my papers, and I have the receipt from the Department of State, in which the department promised to send them to Venezuela, which reads as follows:
>
> DEPARTMENT OF STATE,
> Washington, June 20, 1868.
>
> *Sir:* Your communication of the 19th inst., with its enclosure, has been received; also the package addressed to the joint commission now in session at Caracas.
>
> Your wish in reference to the papers has been complied with, and they will go out in the mail of the 23d instant. I am, sir, your obedient servant,
> W. HUNTER, Secretary.
>
> JAMES S. MACKIE, New York.

The package arrived there, but was never brought before the umpire. Talmage told Dr. Mackie with reference to it, that he went to the umpire, and that the umpire told him that he had allowed so many claims that if he was to allow this claim he could not look the Venezuela government in the face. Worse than all, Murray tried to make away with the bonds intrusted to him, and it was with some difficulty that Dr. Mackie secured their return.

MINISTER STILWELL'S PART IN THE CONSPIRACY.

What part the minister, Stilwell, played is shown by the fact that at his death, although he had been so poor that he had been tempted to overdraw his account at the bank of which he was president, to the amount of $150,000, there was found as collateral for the overdraft, Venezuela certificates to the amount of $80,400. Congressman Milton L. Robinson swore that Stilwell had received these certificates for his influence, as American minister, in securing the allowance of claims, Murray paying him one-fifth of his ill-gotten fifty per cent. Stilwell paid, of this, $3,000 or $4,000 to Godlove S. Orth of Indiana, for lobbying through Congress legislation favorable to these fraudulent awards.

THE IDLER CLAIM

is an instance of gross fraud. Whiton, Talmage's agent, appeared for the claimants. In other words, Talmage appeared as attorney before himself in behalf of this fraudulent claim.

On this claim $252,814 was awarded. It grew out of supplies furnished the old Colombian Confederacy in 1817. In his lifetime, Jacob Idler had brought suit for this in the Venezuelan courts, and there had been allowed by one decision $70,520.11. This had afterwards been set aside, and Idler abandoned the suit, leaving the country. It slept for more than thirty years, and was revived before this commission. It was not in the list of claims which were pending in the American legation at the time the mixed commission was organized. It was trumped up afterwards. Talmage decided that the $70,520.11 was still due, notwithstanding the adverse decision of the courts and the abandonment of the case by Idler. Talmage insisted on the decision of this case within five days of its hearing, but Condé protested, and resigned his position rather than consent to such an outrage. Talmage gave the claimants the principal and $182,294 interest. On the adjournment of the commission Talmage returned to this country, and still acting as attorney for the Idler claim, committed perjury by swearing before Congress that he made all his statements "from considerations of public policy." Afterwards he testified that at this very time he was in receipt of a $15,000 fee for acting for the Idler claim, in getting a recognition from Congress of the awards of the commission. This admission was the result of the investigation of the scandal by the Democratic House of the Forty-fourth Congress.

Every claim on which the two commissioners disagreed was allowed by the umpire, who acted throughout as Talmage's tool. The total awards of the commission were $1,253,300.17, of which $794,122 were awarded by the umpire. Of these the Committee on Foreign Affairs of the House of Representatives, Forty-fifth Congress, found as follows:

THE TOTAL AMOUNT STOLEN.

> On a careful examination of each and every one of the cases decided by the umpire, your committee have failed to discover a single award which is justified by the law or the evidence. Not one of these awards, which were adjudged to be paid under the impoverished resources of that Republic (Venezuela), amounting to nearly $800,000, is of such a character, when the merits of each case is fairly considered and understood, as entitled it to any consideration whatever. Now that the fraudulent character of these claims are exposed, our government cannot consistently, with national honor and that fair dealing which should always characterize the conduct of stronger governments towards weaker ones, insist further upon their payment.
>
> What could be more unjust and unreasonable than the decisions of the umpire in the cases above referred to?

HOW A REPUBLICAN CONGRESS DID.

In marked contrast with the action of the Democratic House of Representatives in reference to these frauds is the action of the Republican Congress. The mixed commission adjourned August 5, 1868, and almost immediately the Venezuelan government began to enter protest against its action. The adjournment was a hasty one, being a month before the statutory limitation. Talmage and Murray were in a hurry to get away from the scene of their rascalities, and left Caracas surreptitiously. Machado also fled from Venezuela with his share of the plunder. Then followed a long correspondence, in which the Venezuelan government charged the American minister and commissioner with bribery and corruption, and that the awards by the umpire were fraudulent and groundless. This was referred to the Committee on Foreign Affairs of the Forty-first Congress, of which Godlove S. Orth was a member. The subject was investigated, and, strangely enough, the following extraordinary resolution was the outcome:

> That the adjudication of claims by said commission, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela; and for the purpose of enforcing the collection and payments of the sums of money so awarded, the President is hereby authorized and directed to make demand upon the Republic of Venezuela for immediate payment; and in case of neglect or refusal to make such payment, that he employ such portion of the naval and military forces as may be necessary, in his judgment, to secure the faithful performance of the terms of said convention.

This resolution was not pressed to passage, and nothing more was done by the Forty-first Congress. The subject was again investigated by the Forty-second Congress, and on March 1st, 1872, the following report was made:

> Your committee have examined this testimony, and cannot avoid the conclusion that it shows reasonable ground for complaint on the part of the government of Venezuela, and the claimants whose cases were adjudicated before the tribunal.
>
> These complaints are of the following tenor: That powers of attorney were given in some of the cases to the American commissioner, and he received pecuniary compensation for executing the same; that an improper intimacy existed between the American commissioner, the umpire, and Mr. William P. Murray, who was the attorney of sundry claimants, and was also represented as being the secretary of legation, all the claims having to pass through his hands; and that the said William P. Murray received from the tribunal of arbitration certificates to the amount, in most cases, of one-half the sum allowed to the claimants. This last ground of complaint is common to the Venezuelan government, and to the claimants, who earnestly request the passage of a joint resolution to authorize the President to call in all the certificates issued by the commission, so as to defeat any payment to those whom the memorialist consider fraudulent holders.

The bill was referred to the Committee on Foreign Affairs, and there it slumbered. This is where Godlove S. Orth appears in the matter. Having been a member of the Forty-first Congress, and on the Foreign Affairs Committee, he became a lobbyist for Talmage and Murray before the Forty-second Congress. His influence was sufficient to defeat the bill. He testified as follows before the investigating committee at the Forty-fourth Congress:

> Q. State your residence and position? A. I reside in Indiana; I was a member of the Thirty-eighth, Thirty-ninth, Fortieth, Forty-first and Forty-third Congress. I have just returned from Europe.
>
> Q. Are you still Minister Plenipotentiary to Austria? A. Yes; I have not yet sent in my resignation, but I expect to resign in a day or two.
>
> Q. You were a member of Congress in the summer of 1873? A. Yes; I was elected in October, 1872, from the state of Indiana, at large, to the Congress which organized on the first Monday in December, 1873.
>
> Q. Do you know anything about what is called the Venezuelan awards? A. Yes. During the Forty-first Congress, I was a member of the Committee on Foreign Affairs, when I first heard the trouble about the Venezuelan awards. That committee had an investigation of the matter, and took testimony, which I presume is among the archives of the committee, and it made an unanimous report sustaining the awards. I think the report was made to the House by Mr. Wilkinson. That was at the second session of the Forty-first Congress. I went out of Congress on the 4th of March, 1871. Subsequently to that time, and when I never expected to be in Congress again, *I accepted an employment from Stilwell and Talmage to act as their attorney in procuring a payment of some money which had been forwarded here by the Venezuelan government, and which was in the State Department. That employment included my service down here in Washington to assist in procuring the passage of the joint resolution of the Forty-second Congress declaring the validity of the award.* My recollection is that the House passed a joint resolution, which went to the Senate, and that the Senate amended it by striking out what was supposed to have been the *force part of it*, as it was called; and when it came back to the House, the House concurred in the Senate amendment. Mr. Packard, of Indiana, reported it from the Committee on Foreign Affairs.
>
> Q. Was Mr. Packard a member from the same district which you represented? A. No, sir; he was a member from the La Porte district, and I lived in the La Fayette district. I was here in the latter part of January or the first of February of that year, 1873. I was here at the time that the House concurred in the Senate amendment.
>
> Q. *Were you favoring the passage of the bill reported by Mr. Packard, in which the President of the United States was authorized and directed to adopt such measures as he might deem expedient to enforce the claims of the citizens of the United States adjudicated by the mixed commissson?* A. My impression is that the House bill had passed before I came here, and that the Senate struck out what was called the *force clause* of it.

ORTH TAKES SEVEN OR EIGHT OF THE FRAUDULENT CERTIFICATES.

> Q. While you were here you were acting in behalf of Talmage and Stilwell? A. Yes, sir.

Q. Who was Mr. Stilwell? A. He was formerly a member of Congress from Indiana, and was appointed minister to Venezuela.

Q. Was he minister to Venezuela pending the sitting of the mixed commission at Caracas? A. Yes, sir.

Q. Who was Mr. Talmage? A. He was the commissioner on behalf of the United States.

Q. Did you receive compensation from Stilwell as well as from Talmage? A. Yes; from both of them.

Q. *Was any portion of the compensation that you received paid to you in these certificates?* A. YES; I THINK I PROBABLY GOT SEVEN OF THESE THOUSAND DOLLARS.

Q. Did those certificates come through Talmage or through Stilwell? A. *They came through both of them.*

Q. Which furnished the greater part? A. *I think that Talmage furnished the greater part.*

Q. At what time did you receive those certificates? A. I received probably some of them in 1871, some in 1872, some in 1873.

The foregoing from Mr. Orth's own lips establishes his close identification with this swindle. He earned his money well. Through his influence Secretary Fish paid an instalment of 7 per cent. on the fraudulent certificates, $121,000 of which Talmage had possession, but which were claimed by Seth C. Driggs, who had notified the State Department that this amount of certificates belonged to him, and were fraudulently withheld from him, the lawful owner, by Talmage. Through his influence the House of Representatives of the 42d Congress passed the following bill:

HOW ORTH EARNED HIS MONEY.

Mr. Orth earned his money, for through his influence Mr. Fish, Secretary of State, paid an instalment of seven per cent. on the fraudulent certificates. He also secured the passage of the following bill:

SECTION 1. That the adjudication of claims by the convention with Venezuela of April 25, 1866, pursuant to the terms of said convention, is hereby recognized as final and conclusive, and to be held as valid and subsisting against the Republic of Venezuela; and that the President of the United States be, and he is hereby authorized and directed to adopt such measures as he may deem expedient to enforce the claims of citizens of the United States, adjudicated by the mixed commission organized under the treaty of the 25th of April, 1866, and made payable by the Republic of Venezuela to the government of the United States, in accordance with the provisions of said treaty.

SEC. 2. That he be authorized and directed, in like manner to collect such claims of the citizens of the United States as were acknowledged by Venezuela to be due prior to the sitting of the said mixed commission.

On motion of Mr. Sumner, however, the fore part of the bill was stricken out.

THE DEMOCRATIC WAY OF DEALING WITH FRAUD.

The following is the conclusion of the unanimous report of the Committee on Foreign Affairs of the Forty-fourth Congress.

Now that a careful inquiry has been made by your committee in reference to the conduct of our officials, and also to the fraudulent character of the claim awarded by the commission—which investigation, in the opinion of your committee, had demonstrated the truth and reasonableness of the allegations of Venezuela—a further and continued refusal on the part of our government to respond to the appeals of that government cannot be justified on principles of international honor and comity. If Venezuela were the equal of this government in area, population and resources, she would have long since ceased to address our government by appeals to our magnanimity and sense of justice, and would have terminated all diplomatic intercourse and assumed toward us the attitude which we now bear toward her. In order, therefore, to vindicate the proud position which our government has always assumed toward other nations of the world, and to preserve intact the peaceful means of national arbitrament for the settlement of all differences arising between nations, we should at once proceed to do full justice in the premises. We can afford to respond to the appeals of Venezuela, in this case, and by so doing will honor ourselves and vindicate the old precept, that "righteousness exalteth a nation, but sin is a reproach to any people."

In view of the fact that this session of Congress will soon adjourn, and that definite and final legislation on this subject cannot be effected at this session, your committee recommend the passage of the following joint resolution suspending all further payments by the Secretary of State to holders of Venezuelan certificates, and withholding further demands upon Venezuela for future payments until the 4th day of March next, or until further legislation by Congress.

The following joint resolution was passed:

Resolved by the Senate and House of Representatives of The United States of America, in Congress assembled, That the President of the United States is hereby requested to withhold further demands upon the government of Venezuela on account of the awards of the mixed commission under the convention of April 25, 1866, until the 4th of March, 1877, and the Secretary of State is authorized and directed to suspend all further payments to holders of certificates awarded by said mixed commission until said time, unless Congress shall otherwise direct. The committee unanimously concur in recommending the passage of the foregoing joint resolution.

The result of this investigation, among other things, was the withdrawal of Godlove S. Orth as a candidate for governor of Indiana after he had been nominated by the Republican party of that state, and after the canvass had begun.

THE SAN DOMINGO JOB:

ITS INCEPTION, PROSECUTION AND FINAL FAILURE.

I.

"GENERAL GRANT IS IN IT."

> If Gen. Grant, Gen. Babcock and others high in office in Washington are so well satisfied with the real value of our prospects and feel safe in lending their names and influence to carry them out, I cannot for the life of me see why you should hesitate. It was our intention to have sent 1,200 shares of the stock of the San Domingo Copper Company to you, as soon as Knapp shall have signed the certificates, to be distributed among officials of influence in Washington. But from the tone of your letters I suppose we shall have to do our business through some other party.

These words, which seem like the idle boast of a confidence operator, are in reality the statement of a scandalous fact. They were written on the 21st of December, 1866, by Joseph W. Currier, then of New York, to a friend in Washington, who hesitated to embark in a scheme which looked to the raising of a million of dollars for the avowed purpose of mining copper in the island of San Domingo. Currier had been a quartermaster in the Union army. He was speculative by nature, and circumstances made him impecunious. He was enthusiastic and credulous, but perhaps not deliberately dishonest. At this time, however, he was in the clutches of two unscrupulous knaves who, years before, had gone from Massachusetts to the West Indies to teach the Dominicans tricks of which they never dreamt before. These were Joseph W. Fabens and William L. Cazneau. They were both natives of the Bay state. In 1863, Fabens, Cazneau and Currier established the Great American West India Company, with an office at 5 Pine street, New York. Their rooms were fitted up in sumptuous style, and by the free use of printers' ink they succeeded in disposing of their worthless stock to the amount of $160,000. Then they closed their doors and disappeared. But they came again in 1866, scattering far and wide their prospectus of the Great San Domingo Copper Company. They were accompanied this time by Buenaventura Baez, the deposed president of the Dominican republic, who had been driven from the island and was ready for any sort of a job which promised him a good living without work. These conspirators explained that Cabral's revolution had destroyed the Great American West India Company, but that the present corporation rested on a secure basis. To all doubting inquirers they whispered, "Gen. Grant is in it!" On the strength of his name they raised money from investors. Fabens took $30,000 and started for Africa to buy camels for the copper mines. He was accompanied by Baez. The 1,200 shares of stock were duly distributed among "officials of influence in Washington," and $200,000 was raised by the sale of shares. Then the doors of the office were closed again, and the adventurers sought safety in flight. They returned to San Domingo, where Baez re-established himself in the presidency. There they remained till President Grant was inaugurated, and then they began once more their swindling operations in good earnest.

II.

GENERAL BABCOCK GOES TO SAN DOMINGO.

When Buenaventura Baez resumed control of affairs in the Dominican republic, he seems to have had a premonition that his stay would be short, and that it behooved him to fill his purse while the opportunity lasted. He made a concession to Edward H. Houtmont for the working of the coal mines of Samana, for which he was to receive a loan of £420,000 from Lawson & Co., of London. This was in May, 1869 ; but in July, 1868, the notorious Fabens had received a sort of general geological and mineralogical concession, under which he was to have one-fifth of all the public lands. Cazneau had received a concession for the National Bank of San Domingo, and also for the copper mines and the wharf frontage on the Bay of Samana. Having sold most of the franchises at his disposal and given away the rest, the idea quietly dawned on the mind of Buenaventura Baez that he would sell out all his right, title and interest—the right of a traitor, the title of a usurper, and the interest of a plunderer—in the island of San Domingo to the government of the United States, for a good round sum in cash, while he sought a home in some distant clime. Through Cazneau and Fabens he communicated his plans to the Washington authorities, where they were received with great favor.

On the 13th of July, 1869, President Grant addressed a letter to his "great and good friend," as he called Baez, in which he said: "Deeming it desirable to satisfy my curiosity in respect to your interesting country by obtaining information from a source upon which I rely, I have for this purpose appointed Brevet Brig. Gen. Orville E. Babcock, of the army of the United States, to proceed to the Dominican republic in the character of a special agent. Having been one of my aides-de-camp while I commanded the armies of the United States, and having since been intrusted by me with confidential business of importance, I have entire confidence in his integrity and intelligence, and I commend him to your Excellency accordingly."

Armed with this document, Babcock set out for San Domingo. He also took with him an order from Robeson, Secretary of the Navy, placing at his disposal the United States ship-of-war *Seminole*, and directing her commander to seize the *Telegraph*, a little vessel belonging to Cabral, which was to be brought as a prize into the port of Baltimore. She was to be seized as a pirate, but an examination before the British consul showed that the charge of piracy could not be sustained. But even after this decision Robeson directed Commander Queen to sail in the *Tuscarora* to San Domingo and place himself under Babcock's orders, that he might help to capture the *Telegraph*. All this gratuitous service was rendered to Baez against his enemy Cabral, that the annexation scheme might not fall through.

Babcock remained in San Domingo till August, when he returned to Washington, received further instructions from Grant, and departed almost immediately to complete his arrangements with Baez.

III.

THE IMPRISONMENT OF AN OBSTRUCTING AMERICAN CITIZEN.

Davis Hatch was a citizen of Connecticut who went to San Domingo in 1862 to act as agent of a New York company organized to work a salt mine in that island. The required concessions were made by the Spanish government in 1864, but in 1865 Spain abandoned the country, and Baez, who set up as president, annulled the grants. But when Cabral overthrew and succeeded Baez in 1866, he reconfirmed the concessions of Spain to the salt company. In 1868 Baez defeated Cabral, through an insurrection, and returned to power. In May, 1869, the city of Barahona, where Hatch resided, was deserted by Baez, and taken possession of by Cabral's forces. It was retaken in the following August by Baez, who thereupon caused the arrest of Hatch on the ground that he had sided with Cabral. He was condemned to death by a court-martial, and was then pardoned by Baez on condition that he should immediately leave the island. He was quite willing to go, but was not permitted to do so. He was kept a close prisoner from the 29th of August, 1869, till the 15th of March, 1870, in flagrant violation of his rights as an American citizen. During the period of his unlawful imprisonment Babcock visited the island. J. Somers Smith was at that time the government's commercial agent at San Domingo, and in the following despatch to the State Department he tells what happened:

> On the 31st of August the United States ship *Tuscarora* arrived from Key West, when Commander Queen called on me. I handed him a memorandum regarding Mr. Hatch, and expressed my desire that he would proceed to Barahona to see Mr. Hatch and learn the particulars of his case. The commander informed me that, notwithstanding his willingness to comply with my request, he was powerless to act in the matter, as his instructions placed the ship at the disposal of General Babcock. On my communicating with General Babcock, he did not seem disposed to co-operate, appearing not to regard the case in as serious a light as I do, from my knowledge of the Dominican character. It is unfortunate for Mr. Hatch that since General Babcock has been here he has been in close companionship with Mr. Cazneau, who is an enemy of Mr. Hatch, as he (Mr. Hatch) furnished the information which caused the rejection of Cazneau by the Senate, some three years ago, when his name was sent in for a position in this country.

When the Senate of the United States sent for a copy of the correspondence between Mr. Smith and the State Department, the alleged communications were transmitted, but the foregoing paragraph, and all others relating to Babcock, were carefully stricken out. This garbling of official papers for the protection of an executive favorite aroused the indignation of Mr. Sumner and other Senators.

Mr. Hatch, an American citizen, was kept in a dungeon for six months, under no process of law, because Baez, Fabens, Cazneau, Babcock and Ingalls, who were in league with the President of the United States, were afraid of him. He knew more about the annexation scheme than they could safely allow to be told. He was a ready writer, and had corresponded occasionally for the New York *Times.* If he should unfold the facts—the double sale of valuable franchises, the jobbery and fraud which characterized the whole proceeding—the negotiations would come to a sudden end. Knowing this, the conspirators, safe in the protection of Grant's favor, locked him up. For his boldness in calling the attention of the State Department to this inexcusable outrage, J. Somers Smith was removed, and Raymond H. Perry was sent to San Domingo in his place as commercial agent.

IV.

BABCOCK, AIDE-DE-CAMP TO U. S. GRANT, MAKES A TREATY.

On the fourth day of September, 1869, the bases of a treaty between the United States and the Dominican Republic were reduced to writing as agreed upon—so runs the official document—"by General Orville E. Babcock, Aide-de-camp to his Excellency, General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican Republic, and Mr. Manuel Maria Gautier," Secretary of State, etc., of the Dominican Republic.

The first article of this protocol will bear careful reading:

> 1. His Excellency, General Grant, President of the United States, promises, privately, to use all his influence, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment; and he offers to make no communication to that body on the subject until he shall be

> certain that it will be approved by a majority. The acceptance of annexation will oblige the United States to pay the Dominican Republic the sum of $1,500,000 in coin, in order that the republic may, as a state, pay its public debt, which is estimated at the sum of $1,500,000 in coin; and the Dominican Republic, on its part, agrees to conform its constitution to those of other states of the Union. In the event that the Dominican Republic's debt should exceed $1,500,000 in coin, the excess shall be charged to the Dominican State.

In commenting on this in the Senate, Charles Sumner spoke as follows:

> Here you see how this young officer, undertaking to represent the United States of America, entitles himself Aide-de-camp to his Excellency, General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican Republic. Do you know any such officer in our government as Aide-de-camp to his Excellency, the President of the United States? Does his name appear in the constitution, in any statute, in the history of this republic anywhere. If it does, your information, sir, is much beyond mine. I have never before met any such instance. I believe this young officer stands alone in using this lofty designation. I believe still further that he stands alone in the history of free governments. I doubt whether you can find a diplomatic paper anywhere in which any person undertaking to represent his government has entitled himself aide-de-camp to the chief of the state. The two duties are incompatible, according to all the experience of history. No aide-de-camp would be commissioned as a commissioner, and the assumption of this exalted and exceptional character by this young officer shows at least his inexperience in diplomacy. However, he assumed it, and it doubtless produced a great effect with Baez, Cazneau and Fabens, the three confederates.

By the other articles of this protocol (2) the price of Samana was fixed at $2,000,000. (3) Grant agreed to pay $150,000 down. (4) The United States Government agreed to protect Baez during the negotiations. (5) Absolute secrecy was enjoined. (6) Baez agreed to solicit his Senate to sell Samana.

With this basis for a treaty Babcock returned to Washington and left poor Hatch in prison.

V.

RAYMOND H. PERRY INTERFERES AND GETS INTO TROUBLE.

Raymond H. Perry, the newly-appointed commercial agent, sailed for San Domingo on the 3d of November, 1869. He found on the steamer "Colonel" Fabens, to whom Babcock had given him a letter of introduction. Perry was ignorant of diplomacy, and was a stranger in San Domingo. He was a native of Rhode Island, and a relative of the famous commodore. He had served in the war, winning distinction by his courage, but involving himself in several serious quarrels. After the war he went to Mexico to fight against Maximilian. When the empire was overthrown he returned to the United States and was employed on special duty by Gen. Sheridan, in Louisiana. He then drifted into Texas, and served for a time as chief of police at Galveston. In October, 1869, he applied for the office of United States Marshal for the Western District of Texas. The conspirators in Washington, judging from his antecedents that he must be an adventurer, thought they could use him, and therefore resolved to send him to San Domingo. They discovered in due time that they had caught a Tartar.

On the outward voyage Fabens filled Perry with false accounts of the state of affairs. He warned him against Hatch, who, he said, was a dangerous and wicked man. He told him that Cazneau was a person of great wealth and influence in San Domingo, and that he was in regular correspondence with the White House. He urged him to seek Cazneau's friendship, as the surest way of making a fortune for himself.

BABCOCK TRIES TO COACH PERRY.

Mr. Perry relieved Mr. Smith on the 16th of November, and learned from him that Cazneau was a swindler, but that he was running the Dominican government; that he had been a bitter Confederate during the war, but was then a pronounced friend of Grant. Perry also learned the facts in the case of Davis Hatch, and immediately resolved to seek his release. Two days after his arrival, Perry was told by Fabens that a man-of-war would arrive that morning with Gen. Babcock on board. Babcock came, accompanied by Gen. Rufus Ingalls, bearing with him a commission authorizing Perry to sign on behalf of the United States the treaty which he brought with him, and which was substantially the same as the protocol. They went ashore and visited Buenaventura Baez. Cazneau and Fabens were present at this and all subsequent interviews. When the treaty was read, Cazneau coolly proposed to draw up two separate papers, one to place before the people of San Domingo, to influence the election, and the other before the United States government, to keep them quiet. Against this crime Perry sturdily protested, though Baez argued that if the elections went against him he should lose his life. Finally this part of the scheme was abandoned, but Babcock, before leaving the island, told Perry that he must trust implicitly to Cazneau and Fabens ; that they represented large interests, and that he had large interests with them. Cazneau also told him (this is all sworn testimony) that Babcock and Ingalls had interests in real estate with him, and that he (Fabens) and their friends in New York had originated the idea of annexation.

PERRY TOLD BABCOCK IT WAS A JOB.

Perry bluntly told Babcock that this whole business looked to him like foul play ; that Cazneau appeared to him dishonest, and that Hatch ought to be released. Babcock told him not to release Hatch; told him he was a dangerous man, and that his imprisonment was necessary to the treaty's success.

After the departure of Babcock, Perry tried, in good faith, to carry out the instructions he had received from Washington. He placed no obstacle in the way of annexation, but sought to promote the project. He saw that the election by which the Dominicans were made to approve the plot was carried by force and fraud. But he permitted Cazneau and Fabens to dictate his dispatches on that subject. Presently, however, the indications of foul play multiplied around him, and he resolved to reveal the truth to the government. He wrote at first private letters to the Secretary of State and to Babcock. The secretary did not reply. But Babcock and Ingalls hastened to write, telling him to leave all personal matter out of his official communications, and to speak encouragingly of annexation. When Perry found that Cazneau was about to secure, through the Dominican Senate, a large tract of public land in violation of the treaty, he addressed a communication to that body warning it not to make the grant. By the rules of diplomacy he should have sent the communication through our government, but he was not versed in court etiquette, and his indignation would not brook delay. Cazneau was inclined to call him to sharp account for this interference, and, as usual, was backed by the Washington authorities. He gave Perry to understand that he knew more about the policy of the United States than its accredited representative.

When the success of the treaty was supposed to be assured, and not before, Davis Hatch was released. On the 13th of May, 1870, he addressed from the Island of St. Thomas a memorial to Congress claiming damages in the sum of $50,000 and asking the intervention of our government to help him in obtaining it. A committee, consisting of James W. Nye, J. M. Howard, George H. Williams, Willard Warner, Carl Schurz, O. S. Ferry, and George Vickers, was appointed to inquire into the matter. Raymond H. Perry appeared before this committee on the 9th of June, and testified to some of the facts herein set forth. His evidence astonished the country and brought the San Domingo scheme into disrepute. Grant, Babcock, Baez, and the others found it necessary to postpone their operations.

VI.

THE ATTEMPT TO KIDNAP MAJOR PERRY.

In December, 1870, President Grant, in his annual message, asked the appointment of a commission to visit San Domingo. The commission was accordingly appointed, and after spending nearly $100,000 of the public money, its members returned and made a glowing report to Congress, earnestly urging annexation. But in spite of the glowing picture which these enthusiasts painted, Perry's testimony was fresh in the public mind. Thereupon the conspirators resolved to destroy this objectionable witness.

In February, 1871, W. B. Moore, who subsequently figured in the whisky frauds, came up from Texas, where he had been serving as a carpet-bag assessor of internal revenue, with a requisition from E. J. Davis, the carpet-bag governor, for the arrest of Raymond H. Perry, *for murder*. This atrocious charge was based on the affidavit of one ignorant and irresponsible man, who swore that about the middle of December, 1865, he heard that a murder had been committed at a certain place, and on approaching the river bank he saw signs which satisfied him that the body of the murdered man had been thrown in. But he did not see the body, and he saw no one who had seen it. Nor was any one missing. But a band of marauders had been through that region a few days previous, and they were said to be under the command of one Raymond H. Perry. On such testimony as that Grant and Babcock proposed to try an innocent man for murder.

BABCOCK FAVORS KIDNAPPING.

Babcock gave Moore a letter of introduction to Col. Whitley, chief of the secret service, and Moore addressed Whitley in these written words:

> I have a requisition from the Governor of Texas for the arrest of Raymond H. Perry, the ex-commercial agent for San Domingo, who is charged with murder, highway robbery, burglary, and horse stealing. As the integrity of the President is questioned, through the misrepresentations of this fugitive from justice, it is highly important that his real character should be exposed at once, and I depend upon you to learn his whereabouts and bring him to justice.

Whitley soon discovered that Perry was in Rhode Island, and that to secure his arrest certain papers would have to accompany the requisition. Moore then wrote:

> The requisition upon the Governor of Rhode Island has no papers attached, but those accompanying the requisition on the Chief Justice of this district can be carefully detached and attached to the former, if it is necessary to make the arrest in Rhode Island. * * * It is important that the arrest be made before the San Domingo matter comes up again in Congress, that the integrity of the President may be fully vindicated.

Nettleship, who figured in the safe burglary conspiracy, was sent on to Rhode Island, and found Perry at his home, near Bristol. He reported to his chief: "Perry is nobody's fool. There is no danger of his going away; but he is not the man to be taken by force without the papers are all right."

The papers were all wrong, as the conspirators well knew, and Nettleship's discovery of Perry's courageous character frustrated the plot for kidnapping him. While he remained at large, and was the custodian of so many dangerous secrets, it was not safe to prosecute the annexation scheme. It was abandoned for the time being, with a view of renewing it at no distant day. But Buenaventura Baez was shortly deposed, and the foul partnership between him and the Washington authorities was thus permanently terminated.

So ended Grant's attempt to annex San Domingo to the United States.

THE HISTORY OF A CARPET-BAG GOVERNMENT.

HOW SOUTH CAROLINA WAS SHAMELESSLY ROBBED.

The elections of 1876 swept from power the infamous Republican carpet-bag government which had for years dominated several of the Southern states. On the 4th of March, 1879, the representatives of those governments, with one exception, departed from the Senate forever. That solitary exception, Wm. Pitt Kellogg of Louisiana, is convicted of having obtained his election by fraud, perjury and bribery, and he will probably be expelled from the Senate at the next session of Congress. Although the cormorants have been driven from the states which they plundered, the memory of their deeds remains fresh in the minds of the people. Their acts will not be forgotten so long as the taxpayers continue to groan under the burden of indebtedness created to line their pockets.

These carpet-bag governments are responsible not only for the millions of dollars of debt imposed upon an impoverished people, but for the utter stagnation of the business interests of the states which they controlled and the prostration of all the rich material resources of an immense section of the Union. Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Arkansas and Virginia all suffered from the invasion of these pests, but South Carolina alone has been able to make a record which shows in its clearest light the manner in which these adventurers administered the affairs of a great commonwealth.

THE SOUTH CAROLINA INVESTIGATION.

At the regular session of the general assembly of South Carolina in 1877–78 an investigation of the frauds perpetrated in that state under Senator J. J. Patterson's regime was ordered. The report of this committee fills a volume of 937 pages. It became apparent to the thieves who had plundered the state as soon as Hampton was elected governor that an investigation of their misdeeds would be made. An exposure was certain to follow the investigation, which would make every member of the Ring amenable to the laws of the state. Prison doors yawned before them, and their only security lay in immediate flight. The exodus of carpet-baggers from South Carolina in 1877 will long be memorable. John Patterson remained in close cover at Washington pleading his privilege as United States Senator. Chamberlain, Cardozo, Scott, Parker, Niles, in fact, all the old administrators of the government and robbers of the treasury, fled from the state. Some were arrested. Others were persuaded to return and give their testimony under promises of immunity.

It was not difficult to obtain a true history of the frauds committed by the South Carolina Ring. State officers, members of the legislature and subordinate officials came before the committee and unblushingly avowed their participation in the frauds. There was no concealment of the crimes at the time they were committed. The entire judiciary of the state was controlled by the Ring. The judges were as corrupt as the legislators, and as long as the Republicans were in power, the thieves scoffed at the idea of punishment. A majority of the members of the legislature were ignorant negroes. The white men at the head of the machine manipulated the negroes as they pleased, and dictated the laws of the state.

HOW PATTERSON WAS MADE SENATOR.

In 1872 there were three candidates in South Carolina for election to the Senate. They were R. B. Elliott, the especial champion of the negroes, ex-Gov. R. K. Scott, and John J. Patterson, president of the notorious Blue Ridge Railroad Company and a prominent member of the Greenville Railroad Syndicate. In the general state election of 1872 there had been a spirited campaign, from which the victorious candidates came out with exhausted means. For the four years preceding there had been a carnival of corruption in the state. Many of the new legislators came fresh from the cornfields and log cabins of the rural districts, clad in the homely garb of labor, but, unfortunately, yearning to exchange the raiment of honest poverty for "fine clothes," such as decked the persons of their predecessors returning from previous sessions of the general assembly.

Patterson established headquarters over a bar-room in Columbia, and his strikers announced that he proposed to be elected to the Senate, and was willing to pay for it. The evidence taken by the committee showed that Patterson bought the votes of scores of assemblymen, paying from $200 to $1,500 apiece, according to the estimated value of the men. Patterson's election cost him between $50,000 and $60,000 more, as he expressed it, "than the d—d thing was worth." The committee, in its report, says:

> In conclusion, the undersigned respectfully report that the election of Hon. J. J. Patterson to the Senate of the United States, on December 10, 1872, was procured by corruption and bribery.
>
> They would further remark that the legislature of 1872–3 was largely composed of new members, and that they were most solemnly pledged to a correction of past abuses and to the inauguration of real reforms. Some of the members, who may have been unfit for the discharge of the important duties of legislation by reason of ignorance, yet came to Columbia with a desire, in an humble way, to do what was right. John J. Patterson enjoys the unenviable distinction of having been the first to place before them the poisoned chalice of temptation, and to corrupt them with its enticing draughts. Need we wonder that they were intoxicated and fell? Then followed a wild saturnalia of public plunder, the record of which furnishes nothing which is at all pleasant to investigate or to perpetuate in history. But it is due to the cause of good government that the story of the crimes and disasters of the past few years should be written in the journals of our courts of justice in order that it may be a warning to all servants of the people of all political parties of the present and of the future not to prove recreant to high or humble trusts of the republic. Let it also expose the dangers menacing a government resting on any other foundations than those of education and good morals.

PATTERSON'S SUBSEQUENT HISTORY AS TOLD BY HIMSELF.

The following letters were written by John J. Patterson to Gen. H. C. Worthington, collector of the Port of Charleston, S. C., during the last four years of Grant's administration. They partially tell the story of Patterson's infamous career. The letters begin just after Patterson's election to the United States Senate, when he was in fear of an indictment for bribery, and shed light on various local frauds, and give an insight as to the employment of troops in 1876.

WATCH THE GRAND JURY.

UNITED STATES SENATE CHAMBER,
Washington, January 3, 1873.

My Dear General: I am terrible hard up and run down to less than a hundred dollars. I have drawn a draft on you at 30 days for $500, on which Sawyer got me the money. Please accept it, and by that time we can provide for it. Perhaps we can get Gurney to help us a little then, as the taxes will be partly paid in then, and money will be in the hands of our friends. I will return to Columbia about the 20th, and we must then make a bold push to pass some bill. Get Bowen [an ex-Congressmen] to talk to Jerry, and if he will take hold I want him to introduce our bill. I see Neagle tried to kill Moses. How lucky for the state he did not succeed.

I find a good feeling here toward me, as the result of the investigation we had at Columbia. I feel easier than I ever did, and don't think we have anything to fear from an investigation, even if the Senate should order one, which is very improbable. I hope you will watch the jury matter at Columbia. Dennis is our friend, and will act in our behalf. Get him to let you know when the names will be made out, and, when drawn, you had better, if possible, be there. As soon as a vote is taken on Williams' case and the Civil Rights Bill, I will be ready to go home. I would also like to be here to vote on Shepherd's appropriation for the District. Let me hear what Bowen can do with Jerry, and if you have seen Moses, and how matters are generally. I am happy, only infernally poor, but getting used to it.

I saw Jane. She swears at you, and then longs to see you. She says she is after some rich fellow. I am not in that list, and still feel weak on the charity fellow. Tom Scott will try to pass his bill. If I can only bridge over the bloody chasm for two or three months I will be all right.

Yours truly, JOHN. J. PATTERSON.

P. S.—Send on the two notes I sent you from Columbia, as I will fill them up and renew the notes in the Juniata Valley Bank and put them off until April.

NEARLY BROKE, AND THAT GRAND JURY TO BE SEEN.

United States Senate Chamber,
Washington, January 16, 1873.

My Dear General: I have been in such an uncertain frame of mind I have delayed writing you. I saw Scott [Col. Tom] last Sunday a week ago, and he promised me to raise what I needed to pay my debts, but has not done it yet, and says money is so tight he can't do it now. It is true money is awful tight at the North, but I don't believe him, and I think the trouble about my seat, or rather, fear that there will be a contest, deters him from advancing. I am going over to Philadelphia this evening to see him, and hope to get some, as I am nearly broke, and must raise some to pay some of my pressing loans. All this, of course, is strictly confidential.

The case of Caldwell [a Kansas Senator under charges of bribery, and a fellow Pennsylvanian of the Kemble school] frightens them. It looks ugly; but he says he will clear it all up, and if he has half a case the Senate will keep him in. I am very anxious for him to succeed, as it will help me by discouraging any attempt in my case.

I can hear of no effort to be made here. Elliott [colored Congressman] is here, but I can hear of no action on his part. The Senators of both parties greet me very cordially and seem glad I beat Elliott, and I am satisfied they will give me a fair chance. Now, I do not wish to return to Columbia as long as the legislature is in session, as I do not want to see some of those fellows. There is no use of my going unless something turns up at the court. Can you manage that through Runkle and Dunbar, if I stay away, if any attempt should be made ? Carpenter was here and is all right, and you can confer fully with him. If I am away and it is done it would look better, but of course I will go if it is necessary. If I could have raised money I would have telegraphed you to come on, but I was too poor, and thought we could not enjoy ourselves when both were broke.

I saw Mrs. B. [the seal-lock lobbyist] in New York. She is happy and salubrious. The other fellow [Gen. Roddy] has not returned from Europe.

It is evident that Ryan and McAdden want to sell the N. and F. R. R., as by the terms payment can be made in bonds and coupons. They will buy it and hold it themselves. It is impossible to get Scott [Col. Tom], or any one else, to go into New Railroad schemes now, as money is too scarce.

Now, as to the scrip [Blue Ridge Railroad]. If it fails I will be in a bad way; and it is all Neagle's fault. He is so bull-headed and nearly always wrong that he ruins every one connected with him. I still have hopes that some good may come of his plan. Robertson [then United States Senator from South Carolina] has been active for me in setting things right, and done me great good. He will act in harmony with me in regard to the appointments, and seems very kind and cordial and accommodating.

I want badly to see you. but think it better for you to remain there until I return, or until after the February court. You should see about the grand jury and the right man for foreman, as he will have power to help us. After it is all over, and if I can raise some money to keep us both going, I want you to come here, and we will remain here until I am sworn in. There will be an executive session of the Senate for a few days.

I have written Jacobs to-day fully, and am sorry I have to write you so much bad news, and hoped to wait for better. However, we should not complain. Even after a victory it requires time to repair damages, and we must be economical and virtuous until we repair damages. The future looks very promising, and we will flourish.

Good-by, old fellow, and may God bless you and keep you from temptation! Tell Miles [Parker] his old friend Whitney is at the Arlington, and is known as the rich and gay Southern widow. Such is life in Washington. I have been nearly tempted several times, but I have resolved to fear God and eschew evil, and you should do likewise. I will keep you posted as to my whereabouts so you can write or telegraph me. Yours truly, JOHN J. PATTERSON.

HEART BOWED DOWN—THAT GRAND JURY MUST BE WATCHED.

J. J. Patterson, President. F. S. Jacobs, Sec. and Treas.
[Cut of train of cars.]

Office of the Blue Ridge Railroad Co.,
Columbia, S. C., Dec. 25, 1873.

My Dear General: I have no heart to write or do anything. It is a sad Christmas. You of course have heard of our being completely cleaned out. The secret history I will tell you when I see you. Frank [Gov. Moses] did not sell us out, only he had not the courage to make a fight for us when it was necessary. He is not so much to blame as some others. Old Wesley and Neagle, the one through stupidity, the other through worse, did more to defeat us than any one else. It is a long story, and I want to forget it. The only hope is to pass a bill when they meet again to pay scrip in bonds at par. This we can do. Cardozo [state treasurer] assures me he will help. Perhaps we may get them to allow interest on the scrip. I have given it two months' hard work, and am feeling very badly. Can Bowen do anything with Jerry to make him go right? They seem cross at us both [I mean Gilleon and Jerry].

I must go to Washington, and would like very much to see you. I cân neither sell or rent my house, and will wait until February. I will return here after the legislature meets to try it again, as it is my only hope. My great trouble is how to bridge over the next two months. Can you or Gurney help me in any way? I need five hundred dollars very badly. It seems very strange, the warehouse and drayage all at once turns out nothing when there is so much business in port and when other years it paid so well. Shepherd got no appropriation before the recess, and you can get nothing there. Curse the luck. Everything goes wrong.

I hear no more stories of bribery, except that I paid Coleman $8,000 to dismiss the case. I wish I had half that much. Jones was arrested and gave bail. Moses agrees to appoint Dennis jury commissioner. The jury matter must be watched closely, or it may lead to trouble. I must go to Washington, as it will not do to stay away any longer. Could you come to-morrow night and let us look over matters? I forgot to send you Mounce's name, although I presume you got it from the newspapers. It is W. H. Mounce, but I can't find out what the W. stands for. You had better write to him and inquire. I will start on Sunday or Monday.

Telegraph me if you can come up Friday night. Wishing you had more pleasure to-day than I have had, I remain, Yours truly, JOHN J. PATTERSON.

DEAD BROKE, AND BOSS SHEPHERD'S APPROPRIATION NOT MADE.

Columbia, Dec. 27, 1873.

Dear General: I enclose you note indorsed, which you can fill up. For God's sake try to get it, or I can't go to Washington, as I am dead broke and can't raise any money. I loaned some money around and now can't get a dollar in return. Try early Monday morning and telegraph me. If you fail I don't know what in the hell to do. If you get it, telegraph me here, and get a draft payable to my order and forward it at once to me at Washington.

Be sure to give Mounce a place or he may go back on us. After you see the appropriation made for Shepherd you should come on, and we will try to get something out of him. That will not be until February. Hoping to hear from you favorably, I am yours truly,

JOHN J. PATTERSON.

I inclosed two [notes], thinking it might be easier to get two discounted for $250 each at different banks.

IF DENNIS IS JURY COMMISSIONER ALL WILL BE WELL.

Columbia, Dec. 29, 1873.

My Dear General: Your despatch received, and was more bad news. I start to-morrow, and what I am to do is a mystery. If you possibly can get $250, do it, and send it to me. Moses will, he says, appoint Dennis [jury commissioner], and if he does Dennis will be all right. See him when he goes to Charleston on 1st January. I make Frank [Gov. Moses] believe we do not blame him, and put it all on Cardozo; and when you meet him be friendly with him, and say that we do not blame him, and that I have written you that way. We must keep in with him, and, if possible, get something for our scrip, so we will have it out of the next campaign.

Try, if possible, to raise me $250 on one of those notes. Write me to Washington. Be sure to attend to the drawing of the jury. Gen. Robertson is here, and says I have trouble ahead in Washington—that them attacks have done me harm. Good-by.

Yours truly, JOHN J. PATTERSON.

READY FOR A HELL OF A FIGHT.

United States Senate Chamber,
Washington, Dec. 11, 1874.

My Dear General: Yours received. I am not despairing of the party or the Republic, and am ready for a hell of a fight, and only regret we must wait so long ; but I feel hurt that Chamberlain should go out of his way to insult me by appointing such a fellow as Jones, who is no one's friend, only Cardozo's spy, and who abuses me on all occasions. Puffer, Solomon, Judge Carpenter and myself went to him and asked it should not be done, and he assured us he had made no such promise. It was a deliberate lie, and a mean one, and he should be ashamed of himself. When I think you and I, Puffer, Carpenter, and only a few were his friends over a year ago, and determined to make him governor before Melton or Cardozo believed he had any chance, it seems very unkind in him to disregard our wishes. As he, Cardozo and Elliott offer us no share of their patronage, I propose that we use our patronage entirely for our own benefit, but not now, as it is time enough.

No doubt Chamberlain thought it would soothe us by writing to you that he would stand by us. I do not know that we need his help, and let him show his gratitude by refusing to give our enemies places. Rainey is very much excited because I will not help to remove Sam Lee, and he can't do it without me. There is no use in our quarrelling with these enemies when they feed us. We made ourselves odious to the people of the state by fighting the battles for Elliott and Chamberlain, and now they are willing to see us cursed if they can be praised. We hold the cards and I propose to play them in future for our benefit. When you come up we will talk the whole matter over.

I trust Bowen and Puffer will get their judge, but Chamberlain told me he was opposed to Baker because he was a carpet-bagger, and it would not do to run that question too strong. I felt cross then, and told him he had better not talk that way or it would ruin him. From that time I gave up my confidence in him. I know he will cheat all our friends in the state. Like Moses, he will think it best to break us all down, and, like him, he will fail. I am in good spirits and having a good time, and do not want to change my luck. Yours truly, J. J. P.

HELL AND THE POORHOUSE NOT FAR OFF.

United States Senate Chamber,
Washington, Jan. 23, 1876.

Dear General: I have delayed writing, intending to go South if necessary. I do not think it is at this time. The grand jury will be drawn this week, and as soon as we know the complexion of it we can tell where we are. I look for the worst kind of jurors, as the Chairman of County Commissioners is George Davis, a Democrat, but I guess Nash can do something with him. After the grand jury is announced it will be time enough for me to go down.

Baldwin writes me that Warner told him that owing to the reduction nothing had been paid up, and the matter was dropped. When Cunningham [Mayor of Charleston] taxes his policemen $20 per month for three months, on a salary of $60, to raise money, I think your employees, with salaries ranging from $750 to $2,500, should help to carry the load. To-day they all hold their places through me, for, if I would join in the effort to turn you out, there would be no one to oppose it, and they would all be turned out, and would soon find their present salaries three times what they could make outside. However, I am glad they did not give anything, as it might be brought up against you and me in the fight against you. I will stand by you, but hereafter hope you will not hesitate to turn any of them out to make room for some one who can help us politically. These fellows do not thank us, and I propose to disregard their interests hereafter. As I said, it is well nothing has been paid, and I ask that nothing shall be, as it will only be used against us.

No matter how much I do for other people, no one is ready or able to help me. You are the only one who tries to help me, and I certainly appreciate it. If I would consent, every Federal officer would be removed except Corbin and Bowman. I confirmed Corbin [U. S. district attorney] to show him I would keep my promise, and if he breaks his to me I can't help it. You and Bowman made me go for him.

I see no way now to hold my house. If I had not relied upon the money you expected to raise, I would have brought my furniture here, but it is sold, and Baldwin got the pay, and I suppose now I am to lose house, furniture and all. Well, every day things get worse. Hell and the poorhouse can't be far off!

Of course, we could not tell about the reduction, but where there is a will there is always a way. Now, let it go, and do say, or do nothing but tell the committee to drop it finally. I can't raise the money to furnish this house, and, with a prospect of indictments ahead and lawyers' expenses, I do not wish to go in debt. I am so much troubled sometimes I get perfectly desperate. What a fool I was to impoverish my family and myself, and to render myself liable to prosecutions, in order to secure and hold an office to benefit every one but myself. Hereafter I propose to only help them who help me. I am getting very poor at the generosity game. Spencer [Republican Senator from Alabama] told me his Federal officers raised him ten thousand dollars in one year, and he has not as many as we have, I don't believe.

I talk thus freely to you, as we understand each other. We have been too easy and too free with our former favors and patronage. It may be too late, but let us help ourselves. Cass Carpenter is here, and gives me all the news. I have read Whipper's speech. It is heavy, but true and just.

Everything here is all right. Everbody is getting Radical, and the whole North is waking up to understand the Southern question. A united Democratic South has alarmed the North! You are all right, and I do not fear any danger. All our friends will stand by us. After we hear about the grand jury we can determine about my going down or your coming up. I will write Dennis [jury commissioner] to write me as soon as it is announced. Cass will also write me.

I am very well. Willie is here from school. I really could not afford to send him. He is young yet, and may go hereafter. He is my clerk. Your friend,

J. J. PATTERSON.

A HELL OF A TIME, BUT BOSS SHEPHERD A TRUMP.

UNITED STATES SENATE CHAMBER,
Washington, May 8, 1876.

Dear General: I have had a hell of a time with your bond. Park, the agent, reported against its sufficiency, owing to the condition of Solomon and Dunn, and the fact that McKenley and Tom Johnson were on other bonds. He did all he could to damage the bond, and Bluford Wilson [Solicitor of the United States Treasury] decided it not good. H. C. Johnson [Commissioner of Customs] said he would overrule Wilson if I could get a strong man on here. I went to Gov. Shepherd and told him how you were being persecuted, and asked him to go on, and this morning, like a man, he went up and went on the bond and justified in $50,000—thus taking the whole bond upon himself if your other sureties are not good. The agent reports Gurney and Bart good; McKenley and Johnson and Sanborn and Howard only probable, and Solomon and Dunn not good.

As soon as Shepherd signed the bond, Commissioner of Customs Johnson at once approved the bond, so it is all fixed. I want you write Shepherd, thanking him for his kindness. Mr. Rawlins was present and told Shepherd the condition of the office and accounts. Johnson told him it was one of the best offices in the country. Now say nothing to any one, only keep quiet and your own counsels. You have triumphed, and that is enough.

Butts has injured his case by rushing into the newspapers, and I think the result now will be that Mackey will be ousted and a new election ordered. I wrote that Bowen and friends would consult with Elliott and others and agree upon a candidate and a programme. Whoever is the candidate must agree to raise money, and if he can't he should not ask us to support him. Grant seems unwilling to remove Bowman now without cause. Jewell [Postmaster-General] seems willing to do it, but Grant, as usual, hesitates to do what is decent. I have kept it very quiet, and want you to say that no effort is being made to remove Bowman. I will get him out after a while, only I do not wish to make a losing fight.

I am awful poor and do not know what to do. Is there any possible chance for you to take care of a draft for $500? I go to the Centennial to-morrow with my wife, but we only remain there on Wednesday and return on Thursday, and go by special train to York, so that I have not written Mrs. W., as she would not desire to go over for one day. We go over because we are to go as deadheads. Mrs. P. and the boys will go over again in June, and I think Mrs. W. had better go then with us, and you will be here and can go along.

We had the Emperor [Dom Pedro] in the Senate gallery to-day. He is a good-looking man and travels quietly, and goes about like a private gentleman.

I am glad Stone was appointed. It will show Elliott how Chamberlain feels. I had a letter from Judge Carpenter, who is still for fight. I am anxious to see you all, but will wait until we get together in June. I am afraid Cass Carpenter will fail in his bond. Corbin has it now. I think Don Cameron will go into the Cabinet in a few days, but I do not know in whose place. Say not a word about it. Glad Jo Cain beat Mackey. Your friend,

JOHN J. PATTERSON.

DON CAMERON WILL RESPOND FREELY.

United States Senate Chamber,
Washington, July 30, 1876.

My Dear General: Your letters have all been received and read with pleasure. I have not answered because I hate to write letters and have little to say. We are waiting, but everything is uncertain, and no one can tell when we will adjourn. We will stand out, and if the House insists, we may not adjourn unless Grant sends us home by cause of disagreement on adjournment. I have been at Morrill [Secretary of the Treasury] to approve of Shine's removal, and he has agreed to do it. Yesterday I was there, and Conant [Assitant Secretary of the Treasury] sent for the papers and promised me to attend to it, and I guess he will. I will see him to-morrow again. I am watching things at home with great interest and am very anxious to go and will be there by the 15th, if not sooner. I will give up Congress, as I want to be at home and take a hand.

I have much to tell you, but can't write it, and will wait until I get home. Don Cameron is all right, and we can get all the help we want. I go to New York Tuesday, to attend meeting of executive committee [National Republican] on 2d August, as I am on it. Potter goes out as architect. That is good. Gov. C. was very anxious while here, and I told him I guess we would be all right.

I hope the Dems. will nominate on 15, and then we can throw Gov. C. overboard, and there is no one that can offer him better terms than I can. He will trust us before those other fellows. However, it will be time enough when I get down. Smalls is very bitter against Gov. C. You get all the news in the papers, while I can tell nothing of S. C. affairs from the papers.

Yours truly, J. J. PATTERSON.

MODEL LETTER FROM A UNITED STATES SENATOR.

United States Senate Chamber,
Washington, July 22, 1877.

Dear General: Yours received and of course gave me great anxiety. I have employed Colonel Cook, one of our shrewdest lawyers, and he says they can only require me to give bail here, and that I can demand a hearing, and they must prove their case, and that I can offer proof of my innocence, and if the commissioner thinks proper he can discharge me. He says I can resist even if I am indicted, which cannot be until October. Judge Cartter would grant the requisition, and he is all right. It will be so apparent an effort to get me out of the Senate that every one will understand it, and make me friends and create sympathy for me. I will keep a sharp lookout, but in no event shall I be taken back to S. C.

Dennis is staying here, and seems very uneasy. I have seen Scott to-day. He is uneasy, but pretends otherwise. I can't think they will attempt to send for any of us without an indictment. I will telegraph you if they come for me, and I may need your testimony in my behalf, and you will understand if I telegraph you to come here. Now to pleasure:

One day last week I saw a splendid looking girl in the Ninth street car. I was bad struck. I saw her another day in a store. On Friday I wrote a note to your friend Miss Van Buren to meet me at Crosby's on Saturday, but she did not come. I sent her a note that I would like to see and say where I could see her, and she sent me word to come and see her at her rooms yesterday at 4, and when I went, found her to be my street car lady. She is gorgeous. She put on airs, and was very stiff, and I made an excuse that you wanted me to help her to get an office, and had asked me to call, but I had forgotten her address and had written you for it. She seemed afraid of me, was engaged last evening, said she would go away to-day for a few days. I asked her to let me know when she returned, and she only half promised. She said she was going to write you, and if she does, tell her I will befriend her. We must not let that go out of the family. Keep up heart; keep me posted. Your friend, PATTERSON.

DON CAMERON'S ORDER MEANS "BIZ."

United States Senate Chamber,
Washington, Aug. 18, 1876.

Dear General: I enclose you Bemy's appointment. Have him make up a strong bond, as Senator Robertson will strike at it. Have it approved by Corbin, if possible. Say nothing, and keep it quiet if you can. Sheer's removal was ordered to-day. I am getting things ready so I can go down, and expect to start on Monday or Tuesday.

Hampton's nomination will unite our party and prevent any bolt, and if we throw Gov. C. off he must still support the ticket. Don Cameron's order [sending troops to South Carolina), means "biz." We will get all the troops we want. I had them ordered to Laurens, Edgefield and Blackville, and we will have other places filled.

I have very much to tell you, but will wait until I see you. Everything looks well and our friends are very confident. Yours truly, JOHN J. PATTERSON.

BLAINE, HALE AND FRYE WANT ME IN MAINE.

United States Senate Chamber,
Washington, Aug. 26, 1876.

My Dear General: Your letters all received. I can't leave here until after next Wednesday, and I hope by that time Bemy's bond will be received. I would like to be here to help it through, as Tom Robertson may object to it. I guess it is as well for me to be away from S. C. just now. Let Dunn and D. H. C. fight, and let us be friendly to both, and when the Convention meets we will know what to do. I do not know what is best to do even if I can be nominated [for governor], but you and Bowen and I will talk it over.

Shine's removal has been ordered, and I presume you have the secretary's letter. Hiram goes out and Stoiltsund takes his place. I found Grant wanted to give him some place, and proposed this. He is our friend, and will do what you want. But don't say I had it done. I could not get it for Dennis, and when I found I could use (name illegible), thought it would be wise to do it.

I guess I am doing as well here as if I was at home. Blaine, Hale and Frye want me to go to Maine and repeat my speech there. I would like to go on Thursday next, and stay so I could reach Columbia on the 11th. If you think I could stay away telegraph me. My speech is universally commended, and is highly spoken of. I guess it was a success. Keep me posted. I hope Bowen will succeed in his matters. In the meantime, I have a little good (rye). Don't you take water, old fellow. It is good to see the Reps snub D. H. C.

Your friend, JOHN J. PATTERSON.

TELL AS LITTLE AS POSSIBLE.

UNITED STATES SENATE CHAMBER,
Washington, July 28, '77.

Dear General: Just returned; have seen Jake. He is all right, and will do what is wanted. I have received your letters, and also your despatch saying you are summoned. I would go, and refuse to answer anything, especially on the ground of your being counsel for Parker and Scott and Moses. You can prove that by Jacobs and me. Tell them you only knew of the Mooney and Leggett warrants as counsel. The story of Moses about those certificates is all stuff. If ever I bought any it was on the street. He can't substantiate this story, and Jacobs and I know it is not true, but don't say anything about it. Tell the committee as little as possible. In regard to my election, decline to answer on the ground that you were my counsel and acted as such, and all you know was obtained in that confidence. They can't commit you for contempt until the legislature meets, and by that time I think we can have it stop'd, or you out of their reach. Write me after you testify. I send this to Columbia. I still do not think they will find anything against you and me except in regard to my election, and I do not believe they will press that. I still think they will let you and me alone. I am anxiously looking for Butler. If he is in Columbia let me (know), and find out when he is coming. I care nothing for what Moses may tell or say. I will write you to-morrow again. I will keep Jake posted.

Yours truly, J. J. PATTERSON.

A MODEL CARPET-BAG LEGISLATURE.

"A state has no right to be a state unless she can pay and take care of her statesmen," said the Hon. C. P. Leslie, a carpet-bag State Senator of South Carolina. This opinion met with the unanimous approval of every other Republican in both branches of the assembly. Right nobly did South Carolina take care of her "statesmen" under the carpet-bag regime. The supplies purchased during one session of the legislature, under the head of "legislative expenses, sundries and stationery," cost $350,000, of which sum not less than $125,000 was paid for "refreshments," "wines," "liquors" and "cigars." The legislative duties of the South Carolina statesmen were extremely fatiguing. The climate of the country being naturally enervating, it became necessary for the assemblymen to provide some place where needful repose might be obtained. A large room in the State House was fitted up in the most elaborate manner. The walls were magnificently decorated, furniture the most costly was purchased, and every luxurious appliance necessary for the bodily comfort of the members and pleasing to their artistic tastes, so surprisingly developed, was obtained regardless of cost. Nor were their grosser natures neglected in this legislative retreat. Westphalia hams, Bologna sausages, imported cheeses, gilt-edge butter, sardines, smoked and canned salmon, beef, buffalo tongues, fresh oysters, mushrooms, guava jelly, pickles, brandy cherries and peaches, French chocolate and other refreshments filled the larder. Bottles of various brands of champagne, Moselle, Catawba, Chateau la Rose, La Fitte, sherry, Madeira, cognac, rye and bourbon whiskies, gin, rum and bitters were on hand to promote digestion. Negroes whose only acquaintance with tobacco previously had been the mastication of horse-leg plug and manufactured leaf, smoked imported brevas, partagas, espanolas, conchas and other brands of choice cigars. The champagnes cost $40 per case, port wine $40 per dozen, brandy $20 per gallon and other articles in the same proportion, all paid for by the state.

A WONDERFUL BAR-ROOM.

The State House bar-room was kept open from 8 A. M. to 3 A. M. There the state officials, judges, Senators, members of the House, citizens generally and invited guests assembled and discussed affairs of state. The legislators of South Carolina developed a fertility of resource, a knowledge of mankind and a true insight into the needs of the commonwealth under these circumstances which is unequalled in the history of legislation. The investigating committee examined the barkeeper of the State House restaurant. Although familiar with social resorts of large cities, the barkeeper said that "he never saw a bar-room equal to the State House restaurant for drinking, smoking and talking." The amount of liquor drank averaged several gallons a day, not including wine and beer. Sufficient cigars to supply the demand could not be kept on hand, as the legislators always filled their pockets when they put their hands in the box. The state, moreover, paid for large quantities of liquors and cigars furnished members at their boarding houses. On March 4th, 1872, one dealer furnished the Senate with $1,631 worth of wine and liquors, and on the 7th, three days later, he sent to the Senate $1,852.75 worth, aggregating $3,483.75 in that brief space of time. The liquor bills were always promptly paid, while the free schools were closed, teachers unpaid and the inmates of the lunatic asylum were suffering from lack of proper clothing and food. The following is a literal copy of one of the bills found among the vouchers of the clerk of the Senate:

COLUMBIA Feb 22th 1872
GOV. A. J. RANSIEER *Dr.*
To JOE TAYLOR
for licours and segars and other Articulars...$280 00
Recuieved paymen
JOE TAYLOR.

During watermelon time the negro legislators revelled in the delicious fruit, as a bill of $1,080 presented by a fruiterer shows.

FURNITURE BOUGHT BY THE STATE.

Not in the purchase of wine, liquors, cigars and watermelons alone did South Carolina show her liberality toward her "statesmen." The state bought furniture for the members of the legislature. Over $400,000 was paid for furniture within four years, and at the expiration of that time there was by appraisement $17,715 worth of furniture in the State House. Members who had rarely enjoyed the luxury of sleeping on anything softer than a husk mattress or bundles of straw came to Columbia and furnished their beds with sponge mattresses as naturally as though they had lived lives of voluptuous ease. When the pattern of the Wilton carpets upon the floor of their apartments failed to please the eye, or the color of the satin upholstery became tiresome, the colored gentlemen shipped it off to their log cabins in the country and ordered a new outfit. Rooms were refurnished as often as three times in the course of two years. At the expiration of a session of the legislature the furniture would be removed to the homes of the members, never to be returned. A house of ill-fame in Columbia was furnished at the expense of the state. Musical instruments were bought with the public funds, and the sweet strains of the melodeon and accordeon helped the members to wile away their leisure hours. Bills for carpets aggregating thousands of dollars were paid; $68,000 was paid for stationery in one session. Gold pens, jack-knives and bronze inkstands were consumed with great avidity; every member (even those who could not write) was supplied with a Webster Dictionary unabridged.

Diamonds were as plentiful in the South Carolina legislature as in the mines of Golconda. Huge stones flashed from the white bosoms of the legislators with dazzling radiance. Huge watch chains, from which depended expensive gold watches, were hung about the necks of these "statesmen." South Carolina paid for these adornments. Mr. Woodruff, clerk of the Senate, kept a diary during the era of this extravagance, and a glance at his memoranda now and then is interesting. Here is one:

> WEDNESDAY, January 15th, 1873.
>
> Collected certificate for $945, and paid Hayden for Whittemore's watch. Gracious goodness! Whittemore will have somewhere about ten thousand dollars this session. That ought to be satisfactory. He is always, though, after one more.

Whittemore was a state Senator. The prudent statesmen stole the coal and wood furnished for the State House. They also stole the stoves. Thousands of dollars were expended for soap, towels and brushes. "Verily," say the committee, "they should have been cleansed."

THE STATE ALSO PAY FOR RENT, ETC.

The state paid the rent of the rooms hired by members of the legislature and the gas bills. R. K. Scott, Patterson's contestant for election to the Senate, charged the state $3,249.60 for the rent of a cottage for one year which could not be sold for that price. Accounts with ficticious persons were made out and paid, the statesmen pocketing the money.

The ladies were not forgotten in the general steal. The wives and mistresses of these men were kept in fine style by the state. The disbursing officers of the legislature paid for "insertions," "edgings," "dress goods," "kid gloves," "satchels," "colored hosiery," "ladies' hoods," "cambrics," "ribbons," "crape," "scissors," "skirt braid," "buttons," "whalebone," "ginghams," "hooks and eyes," "boulevard skirts," "bustles," "extra long stockings," "chignons," "palpitators," "garters," "chemises," "diapers," etc., etc.

In the jewelry and fancy goods line the state bought for her "statesmen" rich sets of "gold jewelry," "finger rings," "watches," "ivory-handled knives and forks," "spoons," "toilet sets," "pocket pistols," "tea trays," "cuckoo clocks," "French vases," "workboxes," "cologne extracts," "gold pens and pencils," "latest novels," "chandeliers," "bronzes," etc.

The negro taste for bric-a-brac was amply gratified. "Fine crockery and glassware," "cuspidors," "decorated candlesticks," "election tickets," "lodge circulars," "coal," "wood," "blacking brushes," "fruit jars," "washboards," "corkscrews," "handsaws," "axes," "granite chambers," "cooking stoves and utensils," "horses and carriages"—in fine, everything from a wooden toothpick to first-water diamonds were bought by the state for the comfort of her statesmen.

The Republicans of South Carolina were plants of hothouse growth, and they needed the tender care which they received.

HOW THE BILLS WERE PAID.

The carpet-bag officials of South Carolina did not pay their supply bills in cash. The circulating medium was a slip of paper known as a "legislative pay certificate." These certificates were the fountain head of most of the frauds, forgeries and perjuries in the state. The committee, in its report, says:

> Through this source the most flagrant violations of law were committed, whereby the state was annually robbed of amounts ranging from two hundred thousand to one million of dollars, including fraudulent printing certificates, which were collected and divided between the officials, Senators, members of the House and political hangers-or of the administration. To perpetuate the power and influence of the Republican party, it was necessary to have a ready and unfailing reservoir of funds. No simpler or easier way suggested itself than the issuing of pay certificates by the Speaker of the House and the President of the Senate. Thus it became not only possible but practicable to perpetuate the numerous frauds in the public printing and supplies, to which we have already referred. Indeed, this, like the famous hydra, threw out its hundred heads, encircling and poisoning every department of the government, and giving comfort and support to local leaders. In its trail followed the low, despicable forgeries and perjuries necessary to effect the end proposed. It is not surprising that the poor and ignorant members of the general assembly fell into these practices when they were conceived and brought forth by such adroit swindlers as those who led. This immense fund produced and nurtured a bond Ring, a printing Ring and this legislative ring—the most popular, and at the same time most unscrupulous. It is evident, from the testimony, that such a source of revenue as this was indispensable to silence any complaint and to pacify the fears of the timid and the greed of the avaricious, whilst the other great rings were in successful progress.

THERE WERE MILLIONS IN IT.

In one session $1,168,255 in pay certificates were issued. This did not include the printing certificates. Every dollar of this sum excepting $200,000 due the legislature and the employés thereof was stolen. Ex-Gov. Frank Moses and ex-Senator Patterson were the bright lights of the pay certificate Ring. The former issued the certificates and the latter purchased them.

The evidence taken by the committee showed that it was a struggle between the bond Ring, composed of a limited number, and the legislature as to who should receive the most of the money raised by taxation and the sale of bonds. It was decided, on the principle of the greatest good to the greatest number, that the members of the assembly should be the beneficiaries of this steal.

An unlimited number of certificates were issued on the order, written or verbal, of the presiding officers and chairmen of standing or special committees. The liquor, wine, furniture and supply bills generally were paid in certificates.

Certificates were used to bribe members to vote for bills concocted by the leaders of the Ring. Large numbers of certificates, ranging in amounts from $500 to $5,000 each, were issued. These were known as "Gratification Certificates." This method was resorted to as the best way of harmonizing "friends," as the leaders were then called.

In one session $250,000 of these certificates were issued on account of the Senate alone, and when objections were made they were met by the reply, "These are small matters, and the state does not suffer from them; it is only a fight between the representatives of the people and the vultures of the bond Ring."

The clerk of the Senate often transposed the initials and changed the names of the persons who received the certificates. The object of this transposition was to conceal the amount of certificates issued to individual members of the legislature and state officers.

A certificate for $2,500, drawn to the order of "L. F. Christopher," for the purpose of paying the expenses of a trip to Washington, went to F. P. Cardozo. The true initials of Cardozo's name were transposed, but in such a manner that there could be no mistake as to who was meant. Another certificate for the same amount to "J. M. Forman" went to ex-Gov. F. J. Moses. Certificates were issued in this manner, and the proceeds divided among the cliques which concocted the robbery.

IMAGINARY EXPENSES.

Thousands of dollars in certificates were issued to pay imaginary expenses. False claims were made out by members of the legislature and paid. Fraudulent pay certificates amounting to $5,000 were issued in the name of J. G. Gershon, and divided between Speaker Moses and Lieutenant-Governor Ransier. Gen. Dennis testified in relation to this transaction as follows:

> The Speaker thought he ought to have something, and made out a bill for $2,500, which, as chairman, I approved. When the certificate was presented to Lieutenant-Governor Ransier, President of the Senate, for his signature, he refused to sign it unless he (Ransier) could be paid an equal amount. I was sent for, and went down to the State House and found Ransier and Moses in the Speaker's room. Moses said: "Gov. Ransier refuses to sign this certificate unless he can have one for a similar amount." So it was agreed that he should have it. The first bill was destroyed, and the following (also entirely fictitious) was made out to cover the two amounts for Speaker Moses and Lieutenant-Governor Ransier:
>
> STATE OF SOUTH CAROLINA
>
> To JOHN GERSHON, Dr.,
>
> For room rent, fees, &c., for the Joint Special Investigating Committee in New York. $5,000 00

SAMPLE STEALS.

A $5,000 certificate was issued to Senator Whittemore to purchase portraits of Lincoln and Sumner for the Senate. Whittemore drew the money, but the faces of those honest statesmen never hung from the walls of the South Carolina Senate chamber. The following is a model order for a pay certificate addressed to Jones, clerk of the House, by Speaker Moses:

> *Dear Osceola:* Please make out a certificate for my pet.
>
> Sincerely yours, F. J. M.

Speaker Moses testified:

> Some time during the session of 1871-'72, John J. Patterson came to me and proposed that if I would turn over to him blank pay certificates he would have them filled up with fictitious names to the amount of $30,000, and if I would sign them as Speaker, and have Jones attest them as clerk, he would pay me $10,000, he to keep the certificates. I accepted the proposition, delivered to him a batch of blank pay certificates, and he returned them to me filled out, I think in the handwriting of F. S. Jacobs, cashier of the South Carolina Bank and Trust Company, to the amount above stated.

The evidence further shows that they were duly signed, and that Patterson paid Moses in cash $7,000 at one time and $3,000 at another.

Woodruff, clerk of the Senate, kept a diary, in which he entered his opinions of what was going on with great freedom. This is a sample entry:

> TUESDAY, March 17, 1874.
>
> Signed and gave out certificates to a great number to-day. Almost signed the state away. I did hope that Gleaves and Lee would be able to stand the pressure. It's just awful!

LEGISLATIVE EXPENSES.

The total legislative expenses of the South Carolina General Assembly under Republican administration, were as follows:

For 1870-'71	$822,608 83
For 1871-'72	1,533,574 78
For 1872-'73	908,855 00
For 1873-'74	922,536 00

The legislative expenses in 1876-'77, under Democratic administration, were $84,096. The surplusage over this sum represent the amount stolen by the Republicans at each preceding session of the legislature.

THE PRINTING SWINDLE.

The Republicans of South Carolina were not content with the proceeds of their robbery of the people by the issue of fraudulent certificates. Every institution of the state was laid under contribution and every scheme that rascally ingenuity could devise to bleed the taxpayers was put in operation. The division of spoils extended from the highest officers of the state to the lowest members of the assembly. The only difference between the operations of the Republican Ring in Pennsylvania was that the matter of the latter was "addition, division and silence," while the former only looked to "addition and division" and did not deem it necessary to maintain silence. The carpet-baggers thought it necessary to have the support of the press, and as all of the established organs were Democratic they used the funds of the state to start various Republican newspapers, daily and weekly, throughout the state. Their principal organs were the Charleston *Daily Republican*, the Columbia *Daily Union* and the Columbia *Union-Herald*. A large amount of money was expended annually for their maintenance. Bills purporting to be presented by virtue of law were illegally and fraudulently increased in amount to many thousands of dollars, and paid year after year from the state treasury.

At first the division of the money thus obtained was confined to a few leading members of the assembly, but as the demands for money increased the scope of operations was widened and the Carolina Printing Company, a firm composed of state officials and the editors of the *Republican* and *Union*, was formed. Pay certificates for public printing were issued right and left, and thousands of dollars were stolen annually in this manner. Claims for current and permanent printing were raised in many cases three times the original amount and the proceeds divided among the Ring.

From 1868 to 1876 the amount appropriated and paid for printing, including the publication of the general laws and claims for printing, was $1,326,589, a sum largely in excess of the cost of public printing from the establishment of the state government up to 1868, including all payments made during the war in confederate currency. In 1873 the public printing in South Carolina cost $450,000, exceeding the cost of like work in Massachusetts, Pennsylvania, New York, Ohio and Maryland for that year by $122,932.13. Ohio, with nearly four times the population of South Carolina and over nine times the capacity to pay, obtained her public printing for $63,000.

ORGANIZATION OF THE PRINTING COMPANY.

The South Carolina Printing Company was organized in 1870 by J. W. Denny, R. K. Scott, N. G. Parker, D. H. Chamberlain, J. W. Morris and L. Cass Carpenter. The committee say:

> Senator Leslie told Woodruff that "the friends" in the Senate thought that as this was a matter of Senate patronage they should have a percentage of the profits from the printing. In order to carry out the wishes of "the friends," Mr. Leslie proposed that pay certificates for various amounts, ranging from three to five thousand dollars, for current printing be drawn, and one-third or one-fourth of the amount realized be given to the Chairman of the Committee on Printing for division among "the friends," including some fifteen or sixteen Senators. This system was carried out as long as moneys could be paid out of any sums in the treasury, not otherwise appropriated, and was only checked and stopped when the law for specific appropriations and payments was enacted. Besides this, Woodruff testifies that a vast deal of unofficial work was done by the company for State officials, friends and members of the general assembly; that the certificates were usually discounted at the South Carolina Bank and Trust Company, of which bank Governor R. K. Scott, Treasurer Niles G. Parker and Attorney-General Chamberlain were stockholders. The checks in the hands of the committee are but a portion of the amounts paid during the time of the above arrangements. The money was deposited to the credit of the Printing Company, and sometimes, according to the witness, division or gratification checks were drawn against deposits in the Carolina National Bank and Central National Bank, which checks he supposes are still held by these banks.

SCOTT, PARKER AND NEAGLE, MOSES AND CARDOZO.

Gov. Scott, Treasurer Parker and Comptroller Neagle formed a combination whereby $45,000 of printing accounts were sold to Neagle, afterwards raised and receipted for on the treasurer's books at $90,000, thus defrauding the state out of $45,000 at one stroke. This sum was divided equally among the conspirators. Out of the appropriation of $280,000, approved December 21, 1872, $98,500 was paid at one session as bribes and "gratifications." Gov. Moses, Treasurer Cardozo and twenty-two out of thirty-three Senators participated in this steal. Every session money was appropriated and stolen in this way. Here is an extract from Woodruff's diary appropos of the printing steal.

> THURSDAY, January 16, 1873.
>
> Cardozo gave us checks for $100,000. I propose to give Cardozo $12,000 out of this. That will be a big thing for him. If we had Parker we would probably have had to pay half of it and then not get it. Jones and self will come out clear about thirty thousand dollars between us, or $15,000 each.

In comparison with the usual record of payments made by Woodruff, the following entry seems amusing:

> TUESDAY, February 4, 1873.
>
> Gave Mr. White a check for $25, and we agreed to stand by each other to the last.

Out of an appropriation of $230,000 made for printing in 1873, $41,269 was paid to seventy-seven members of the House out of a total membership of 124. The instances above given, selected from a multitude of similar ones, will illustrate how tenderly South Carolina cared for her Republican "statesmen." Under Democratic administration, in 1877, the public printing of the state cost $5,222.

THE GREENVILLE AND COLUMBIA RAILROAD SWINDLE.

When John J. Patterson entered South Carolina, his first manœuvre was to become identified with the material interests of the land of his adoption. It was rough on the material interests of the state, but a good thing for Patterson. "Honest John" set himself up in business by obtaining a contract for the completion of the Blue Ridge Railroad, which contract was annulled by the payment of $80,000 to him out of the treasury of the state. Out of his share of the proceeds of this robbery he organized a Ring composed of public officials to obtain possession of the Greenville and Columbia Railroad. In this Ring were included

Patterson, George W. Waterman, representing the interests of Gov. Scott, Treasurer Niles G. Parker, State Auditor Tomlinson, Comptroller General Neagle, Attorney-General Chamberlain, Secretary of State Cardozo, Land Commissioner Leslie, Financial Agent Kimpton, Joseph Crews, Chairman of the Committe on Railroads, and Representative Tim Hurley. The state at that time owned large amounts of stock in various railroads, which had been acquired in consideration of bounties conferred upon those corporations.

THE BEGINNING.

An act was passed by the Ring creating a sinking fund commission which was empowered to sell all the unproductive property of the state. The commissioners appointed under the act were the members of the Ring organized by Patterson. The ostensible purpose of the act was to enable the state to sell damaged granite, marble and other materials laying about the State House. The real purpose was consummated by the sale to the Ring of 21,698 shares of the Columbia and Greenville Railroad stock, bought by the state at $20 per share, aggregating $433,960, for $2.75 per share, aggregating $59,969.50. The stock of the state in other railroad corporations was also sold and the fund transferred to the financial agent, from whom it was stolen by the thieves who concocted the scheme.

WHOLESALE BRIBERY.

The act authorizing the creation of the commission was passed by bribery, the means being furnished by Financial Agent Kimpton. After the Ring had obtained possession of a majority of the stock of the road another act was carried through the legislature by bribery, authorizing a further issue of bonds of the road and its consolidation with the Blue Ridge road. A well-devised scheme was concealed underneath the wordy sections of this voluminous act. The state held a lien for indemnity against her indorsement upon $1,500,000 of guaranteed bonds of this company, so that subsequent bonds would be of little or no value and could not be sold by the Ring. The Ring devised a section in the bill by which the lien was postponed to bonds to be issued under a second mortgage, thus enabling the Ring to divide and put their bonds upon the market, the only security held by the state being swept away and a contingent debt of $1,500,000 fixed upon her. Although the Ring obtained the stock owned by the state by fraud, it became necessary for them to buy of private holders in order to secure control of the management. Financial Agent Kimpton was applied to for funds. He had in his possession many millions of bonds of the state for sale or hypothecation, and although the proceeds of the sale of the bonds were only applicable to the purposes of the state, Kimpton raised by the sale of state bonds enough money to buy about $173,000 worth of stock par value.

THE IMPEACHMENT SWINDLE.

During the Republican carpet-bag administration of South Carolina, the leaders were constantly waging a secret warfare against each other. The state officials and members of the legislature were aware of the extent of the plundering conspiracy and knew about the share that each man received. The principle of "honor among thieves," which is supposed to apply in the select circle composed of pickpockets, burglars and thugs, in the larger cities, was unknown in Columbia. When the state's money gave out these worthies would fall to robbing each other. Among such expert thieves the task was a difficult one.

An investigation of the state debt showed beyond peradventure that the Financial Board, composed of Governor Scott, Treasurer Parker and Attorney-

General Chamberlain had illegally issued several millions of state bonds. On the 18th of December, 1871, C. C. Bowen, a member of Charleston, introduced a resolution to impeach Governor Scott and Treasurer Parker for high crimes and misdemeanors. John J. Patterson saw a brilliant opportunity to make a strike. The legislature was overwhelmingly Republican, the members generally had participated in the numerous frauds originated by the men it was sought to impeach, and there was no prospect of the passage of the impeachment resolution. Patterson wanted money, however, and he began operations on Scott.

Assisted by his tool, H. G. Worthington, Patterson set about frightening Scott. He informed the governor that impeachment was certain to follow the result of his misdeeds unless something was done to prevent it. That "something" was to bribe the members to vote against the resolution, and Patterson said that he alone could insure Scott's safety. For a long time Scott held out against Patterson's threatening talk, but at last he was persuaded that he would be impeached, unless the members of the House were bribed. Scott signed in blank three warrants or orders upon what was known as the "Armed Force Fund" and gave them to Patterson. Scott told Treasurer Parker that the warrants should be paid when presented, remarking: "I don't know what amount he will want; I hope not a very large amount, but I suppose the scoundrel will make it as large as he can."

The warrants were filled out by Patterson in fictitious names—one to John Mooney for $25,545, another to John Leggett for $10,600 and the third to David H. Wilson for $13,500, making in all $48,645. The money was collected by F. S. Jacobs and Hardy Solomons, both trusted friends of Patterson, a day or two before the vote on the impeachment resolution was taken. In addition to this Speaker Moses received $15,000 of state money from Governor Scott for making a parliamentary decision in the House, which prevented the report of the joint investigating committee (which fully established Scott's guilt) from being presented. How much of this money Patterson used to bribe members is not known, but the resolution was defeated by a vote of 63 to 27, and two of the members of the Ring went unpunished for their crimes.

THE BLUE RIDGE RAILROAD SCRIP FRAUDS.

A plausible scheme to relieve South Carolina from its guarantee of the sum of $4,000,000 of the bonds of the Blue Ridge Railroad was introduced in the shape of a bill in the House on the 3d of February, 1872, by A. L. Singleton. The state was to obtain this relief ostensibly by the issue of scrip to pay the honest debt of the company, but in reality the object of this scheme was to convert this scrip into a corruption fund for the benefit of the Ring. The plan of the conspirators succeeded admirably for a time. They bribed members to pass the bill through the legislature. The governor vetoed it. He was not interested in this steal. The bill was passed by bribing over his veto and scrip was issued. The Supreme Court decided the issue of the scrip to be unconstitutional, and the scheme was then dropped.

THE VALIDATING ACT AND FINANCIAL SETTLEMENT.

On the 8th of February, 1872, a bill "relating to the bonds of the state of South Carolina" was introduced in the House by John B. Dennis. It apppeared to be an act to validate the irregular issue of certain bonds, but it was a bill to validate the illegal use and disposition of $6,000,000 of state bonds by H. H. Kimpton, the financial agent, and fasten that debt upon the state.

At the same time Dennis introduced another bill entitled "a bill relating to the financial agent of the state in the city of New York." This measure empowered the notorious financial board to make a settlement with Kimpton, and afforded the desired opportunity of covering up and cancelling the large amounts paid out by Kimpton from sales of bonds illegally made, to be divided in commissions among the Ring, and in carrying the purchase of the Greenville and Columbia Railroad for the same Ring. The following simple and concise agreement made between the thieves, who doubted the honesty of each other, explains the purposes of the Ring in securing the passage of these bills:

THE THIEVES' AGREEMENT.

VICE-PRESIDENT'S OFFICE,
GREENVILLE AND COLUMBIA RAILROAD COMPANY,
Columbia, S. C., March 4, 1872.

HON. NILES G. PARKER, State Treasurer, South Carolina:

Please deliver to H. H. Kimpton "revenue bond scrip" due the Blue Ridge Railroad Company, according to act passed March 2, 1872, amounting to one hundred and fourteen thousand, two hundred and fifty dollars, at par, upon the following conditions: That forty-two thousand eight hundred and fifty-seven dollars of said scrip, at par, is to be used for paying the expenses of passing through the House of Representatives bills styled "A bill relating to the bonds of the state of South Carolina, and "Bill to authorize the financial board to settle the accounts of the financial agent." Now, if these above-named bills are passed and become laws, this order for forty-two thousand eight hundred and fifty seven dollars in scrip, at par, is to be paid to said Kimpton; and if not passed, then this order for that amount to be void and the scrip is not to be delivered. Also that seventy-one thousand four hundred and fourteen dollars of scrip, at par, you shall deliver to said Kimpton if said bills become laws, and provided that he shall pay the sum of fifty thousand dollars, the proceeds of said scrip at seventy cents on the dollar, in paying the expenses already incurred in passing through the Senate the bill known as "A bill to relieve the state of all liability on account of guaranty of Blue Ridge Railroad bonds, etc.," passed March 2, 1872, which said expense said Kimpton has contracted to pay; if said Kimpton fails or refuses to pay said amounts in defraying said expenses (when required by me), then this order to be void. If said conditions are complied with and the amount of scrip delivered to said Kimpton, he is not to be held liable for or to account for its value. The above two sums of $42,859 and $71,414 in scrip, at par, make up the amount of scrip first mentioned in this order.

JOHN J. PATTERSON,
President Blue Ridge Railroad Company in S. C.

Witness: R. B. ELLIOTT.

These bills became laws. Three drafts, one for $25,000, another for $35,000, and a third for $12,500, were cashed on Blue Ridge Railroad scrip as collateral security, and the money was used to bribe Senators and assemblymen to vote for the bills. Treasurer Parker was compelled to take up the drafts when they came due, he paying all but $10,000, which was contributed by Gov. Scott. These schemes put thousands of dollars into the pockets of the originators of them.

THE KU-KLUX REWARDS.

On the 28th of July, 1871, Gov. Scott issued a proclamation offering a reward of $200 for each person arrested with proof to convict of the charge under the enforcement act commonly known as the Ku-Klux Act. The legislature appropriated $35,000 to pay these rewards. The governor, instead of paying the rewards himself, appointed a commission composed of Attorney-General Chamberlain, C. D. Melton, J. D. Pope, R. B. Elliott and James A. Dunbar, for the distribution of the rewards. The commissioners paid themselves $500 apiece for their services. The record of the United States Circuit Court for South Carolina shows that 109 persons were convicted under the Ku-Klux Act. A reward of $200 for each of these convictions would have amounted to $21,800. No portion of the appropriation of $35,000 was returned to the treasury. Before the appropriation was made a government officer named Hester presented a bill to Gov. Scott of $18,600 for the arrest and conviction of 93 persons under the act. Scott at first refused to pay the bill, but on an *illegal* opinion from Attorney-General Chamberlain that the money might be paid out of the "Armed Force Fund," Scott gave Hester $9,000.

THE PHOSPHATE STEAL.

The natural resources of South Carolina were laid under contribution by the

Republicans to filch money from the people. The phosphates were a source of wealth belonging to the farming interests of the state, and which should have been jealously guarded for the benefit of the agricultural population. The Ring formed a Marine and River Phosphate Company. A bill was prepared entitled: "An act to grant to certain persons therein named, and their associates, the right to dig and mine in the beds of the navigable streams and waters of South Carolina for phosphate rocks and phosphatic deposits." The bill was passed. R. R. Rivers, a member of the assembly, told the investigation committee how. He said:

> Tim. Hurley made arrangements with myself and Rush, of Darlington, John Mead, Wade Perrin, Harry Daniels, and one or two others, at $300 a vote for such members as voted for the charter. We were the committee of arrangements chosen to confirm the arrangements with Hurley. The way it happened was this: Hurley wanted to give some members $50 and some $100, and so on, and the members found it out and had a caucus, and appointed this committee. The committee met him and stated that they were authorized to state that if he did not pay them all equally they would not vote for the bill, and that he must also put the amount in an envelope, subject to the committee, where they agreed to make the deposit. Hurley agreed to it, and we selected Governor Moses, then Speaker of the House, to hold the money, and after Hurley agreed to meet the committee in the Speaker's room when the House was in session, and we did so, and Hurley brought the money, the committee counted it and sealed it up. After we did this we sent for the Speaker (the House was in session), and the Speaker came, and I handed him the envelope, and I asked him to put it in his safe until I called for it. No one told him what it was. He opened the safe and put it in there, and after the bill passed that evening I took the committee with me and asked the Speaker for the envelope that I gave him; he handed it to me, and the committee went off, and we divided it according to the agreement, and each man got his part. Hurley was not then a member of the House, but was a lobbyist. There was a Ring ahead of this. The committee paid about twenty-five members $300 apiece. The other was of down-country members, and I turned in with the up-country members, and we found that with the Democratic vote we could defeat any measure of the down-country Republicans. They used to control matters, and gave us no showing until we found it out, and by our combining together we then had our showing, too. We didn't find out for some time that the down-country members were using us, and getting paid themselves for their own and our votes, and when we found it out we combined against it so as to secure our share of the pay as well as the others.

ORGANIZING THE MILITIA.

The Republicans of South Carolina wanted some money for election expenses prior to the election of 1870, and they concluded to organize the militia of the state. Local agents were employed in almost every county of the state to enroll, organize and inspect the state militia. It cost $200,000 of the public funds to do this, and as the agents were generally candidates for office they succeeded in obtaining a valuable campaign fund in this manner. Rev. William Thomas, a member of the Ring, found time between sermons to organize Co. F, 4th Regiment, N. G. S. S. C., for which he demanded and was paid $125. Mr. Thomas was elected to the legislature, and he figures prominently as a receiver of bribes from the state officials. State guards were organized and they drew full pay and rations until after the election. Contracts for the purchase of arms were made to the amount of $180,750, and Speaker Moses testified he received a royalty of $1 for each musket, or $10,000 in all. The expenses of enrollment were $100,000, and of equipment $250,000, making a total of $350,000 wasted in this manner.

ARMED FORCE AND CONSTABULARY.

In 1869 a joint resolution was passed by the legislature authorizing Gov. Scott to employ an armed force for the preservation of the peace. The state was apparently peaceful enough until election time, when scores of "constables" were marched into the close districts to make Republican campaign speeches and intimidate white voters. The "Armed Force" was used, not to preserve peace, but to carry elections for the party and intimidate and demoralize Democratic voters. There were appointed 151 deputy constables and 500 specials on full pay and mileage, to do duty just prior to and during the elections. These men made regular reports of the condition of the parties, attended political meetings and in many cases had themselves elected to legislative and county offices. Over twenty horses and equipments were bought for the mounted men. When their term of service ended the horses were sold and the proceeds pocketed by the governor. The armed force fund was depleted on forged certificates, and the Republican candidates were elected to office.

THE PETTY PILFERING.

To enumerate all of the frauds perpetrated by the Republican Ring and to explain the scores of small schemes which were hatched by the conspirators to rob the taxpayers of the state would occupy the greater part of the Text Book. The Ring managed to secure something from almost every appropriation made. Members of the Committee of Ways and Means and Contingent Fund were bribed to recommend a large appropriation for the contingent fund. The funds of the state were used to pay the bribes, and state officials then robbed the contingent fund. Moses bought a newspaper from this fund. The treasurer of the state was authorized to borrow money for legislative expenses. Treasurer's notes were issued without money being borrowed or vouchers turned into the treasurer's office. Political tramps, broken down party hacks and prostitutes were paid from the transient sick and poor fund. On one occasion three warrants for $5,000 each, issued originally for the penitentiary account, were returned by Hardy Solomons to F. J. Moses, then governor, there being no money in the treasury to pay the warrants. Ex-Governor Chamberlain consulted with Moses and informed him, as Moses swears, that he could get a loan on those warrants from the Receiver of the Bank of the State. Moses obtained $7,000 on the warrants, gave Chamberlain $1,000 and pocketed the balance. Money was paid to judges of the courts for favorable decisions in certain cases. Fraudulent claims were paid, and hundreds of honest claims were raised double and treble their original amounts. In the construction of a penitentiary the state was robbed of thousands of dollars. The legislature made extravagant appropriations, for doing which the members were paid. Frauds, perjuries, embezzlements and larcenies of the party in power covered every transaction and article, from the cradle of the infant to the coffin of the dead. The orphan children dependent upon the state for care were robbed and defrauded. The children fared poorly, but the grown orphans in the institution must have fared better, as the following list of some of the articles purchased will show:

Carpeting, laces, swiss, damask, ladies' linen handkerchiefs, kid gloves, corsets, ladies' collars, pique, tarletan, ribbon, vases, umbrellas, writing desks, satin, satinette, water-proof cloth, under-vests, ear-rings, needles, pocket books, toilet pin-cushions, walking canes, whips, sundries, which covered almost every article of woman's wear.

HARDY SOLOMONS' CLAIM.

The South Carolina Bank and Trust Company was a Republican institution. The principal members of the Ring, Chamberlain, Scott, Parker and others, were at the head of it. Hardy Solomons, a notorious character, who grew rich in furnishing the legislature with supplies, was president of the concern. In October, 1873, a bill was introduced in the legislature to pay claims of the bank amounting to $125,000. Only $103,865.71 were due the bank according to the schedule prepared by Solomons, but the other $21,134.29 was thrown into the claim "just to dignify its proportions." At the time this fraudulent claim was presented the salaries of school teachers, judges of courts, county auditors and clerks of the different departments of the state government were unpaid, and $200,000 of the appropriation for schools of the year previous remained unpaid. The Ring wanted more money, however. Their insatiable maws were never satisfied. The proceeds of their multifarious robberies were expended as soon as received. It was well understood that the time for a profitable failure of the bank had not arrived. The payment of these claims would give the institution at least two years more of life. The members of the legislature had become experts in the art of bleeding the Ring of state officials by this time. Whenever a bill was introduced calculated to benefit the Ring, the legislators would not vote for it without being paid. Mr. Solomons was aware of this fact, and he wasted no time in talking. The cashier of the bank was instructed to open an account on his books for "legislative expenses." Negotiations were opened with the assembly. The bill was promptly passed, and Solomons divided $81,105.34 among the members as a small return for their kindness. The bank suspended two years later with $200,000 of state money and a large amount of school and county funds on deposit, with as worthless a lot of assets as ever were rendered in a court of insolvency. A special tax was levied to meet the claim presented by Solomons. Only a small portion of these claims were valid demands against the state, and these were in large measure abstracted from the bill and paid by the state treasurer out of other funds in order to give place to over $20,000 of fraudulent pay certificates manufactured for the occasion, so that certain state officials might receive their share of "gratification."

THE PLUNDERERS DEPOSED.

A history of corruption, misrule and brigandage similar to that which prevailed in South Carolina might be written of the Republican carpet-bag administrations in every Southern state. The state of affairs in Louisiana was even worse than in South Carolina. The day of justice for these rogues at last arrived. It was long in coming. The Republican party maintained itself in power as long as a dollar could be stolen from the people. When the funds gave out speedy disruption followed. The people of those violated states in 1876, under the banner of Tilden and Hendricks, by a desperate effort, freed themselves from the yoke. The conspirators fled. They had spent the proceeds of their crimes with knavish extravagance, and the incarceration of their impecunious bodies in the jails of the state would only have been a further burden to the people. They were allowed to go unpunished, merely being required to testify to the record of their own perjuries, frauds and robberies as a monument of everlasting shame to the American people and a warning to future generations. The states were glad to be well rid of them. With the coming into power of the Democrats honesty succeeded dishonesty, economy deposed extravagance. The people set about paying their debts. In every instance but one the commonwealths undertook to pay the obligations created by these mercenaries. Efforts to compromise were made, but in no case, with the single exception of Louisiana, did the state repudiate its debt or any portion of it. What temptation to repudiation there must have been one can imagine by perusing the record above printed.

PLUNDERING THE SOUTH.

WHAT RADICAL MISRULE HAS COST THE PEOPLE OF ELEVEN STATES.

One of the darkest chapters in the history of Republican misrule is that description of the plundering of the Southern states by carpet-bag governments.

The history of the outrages committed in the name of law—of the crimes committed without color of law—are familiar to the American people. The effect of this robbery of the Southern states have been keenly felt at the North. The impaired credit of one section of the country has retarded the prosperity of the other sections.

The statements given below are compiled from the report of the Joint Committee of both Houses of Congress, appointed March 20, 1871, to investigate the condition of the Southern states. It shows, 1st, the debt of these states in 1865 and 1871–2 ; 2d, the prospective and contingent debt.

ALABAMA.

ACTUAL AND ADJUSTED DEBT.

In 1865	$6,221,186
In 1872	9,306,781
Increase under carpet-bag rule	$3,085,595

CONTINGENT AND PROSPECTIVE DEBT.

This debt represents the indorsement by the state of the bonds of railroads, the bulk of which are in default, and many of them worthless. It had reached in 1872 the sum of	$29,620,000
Total debt and contingent liabilities in 1872	$32,705,595

Total increase under carpet-bag rule, $26,484,409.

In 1837 Alabama's debt was $15,400,000 and reduced to $3,445,000 in 1860.

ARKANSAS.

ACTUAL AND ADJUSTED DEBT.

In 1865	$4,527,879
In 1871	5,361,265
Increase under carpet-bag rule	$833,386

PROSPECTIVE AND CONTINGENT DEBT.

This debt consists of liabilities assumed by the state in guaranteeing the payment of railroad and levee bonds, and amounted in 1871 to	$14,390,000
Total debt and contingent liabilities in 1871	19,751,265

Total increase under carpet-bag rule, $15,223,386.

FLORIDA.

ACTUAL AND ADJUSTED DEBT.

In 1865	$1,370,617
In 1872	2,556,072
Increase under carpet-bag rule	$1,185,455

CONTINGENT AND PROSPECTIVE DEBT.

The state has become responsible for the bonds of several railroads amounting in 1872 to	$14,000,000
The total debt, actual and contingent, is, therefore, in 1872	$16,556,072

Being an increase under carpet-bag rule of $15,185,455.

GEORGIA.

ACTUAL AND ADJUSTED DEBT.

In 1865	$5,706,500
In 1872	8,618,750
Increase under carpet-bag rule	$2,912,250

CONTINGENT AND PROSPECTIVE DEBT.

This debt is for liabitities assumed in indorsing the bonds of railroads, and amounted, in 1872, in round figures to	$30,000,000
The total debt, actual and contingent, in 1872, was	38,618,750

Increase under the carpet-bag government, $32,912,250.

Formerly Georgia was not only the wealthiest and most prosperous of the Southern states, but was almost free from *both debt*, and lightly taxed. The earnings of a railroad which she owned were alone nearly sufficient to meet the annual expenses of the state government. This railroad was sold by a carpet-bag governor and a corrupt legislature for a mere song.

LOUISIANA.

ACTUAL AND ADJUSTED DEBT.

In 1865	$13,357,999
In 1872	29,619,473
Increase under carpet-bag rule	$16,261,474

CONTINGENT AND PROSPECTIVE DEBT.

This debt consists of bonds indorsed by the state to assist miscellaneous, so-called, internal improvements, railroads, levees, canals, etc., etc., and in 1872 amounted to	$12,245,000
Total debt and contingent liabilities in 1879	$41,864,473

Total increase under carpet-bag rule $28,506,474.

MISSISSIPPI.

ACTUAL AND ADJUSTED DEBT.

In 1865	$919,767
In 1871	2,284,216
Increase under carpet-bag rule	$1,364,449

In 1860 the cost of conducting the state government was only $438,000, and in 1870, $942,000.

The public printing before the war cost $10,000. This work in 1872 cost $127,000.

In 1874, *the rate of taxation reached* $30 *per* 1,000 *in several of the larger counties.*

NORTH CAROLINA.

DEBT AND LIABILITIES.

In 1868	$15,779,945
In 1872	34,887,467
Increase under carpet-bag rule	$19,107,522

SOUTH CAROLINA.

ACTUAL AND ADJUSTED DEBT.

In 1865	$13,038,964
In 1871	15,768,306
Increase under carpet-bag rule	$2,729,342

CONTINGENT AND PROSPECTIVE DEBT.

This debt is for indorsing the bonds of railroads, and in 1871 was	$6,712,608
Total actual and contingent debt	$22,480,914

Total increase under carpet-bag administration, $9,441,950.

TENNESSEE.

ACTUAL AND CONTINGENT.

In 1866	$26,777,347
In 1872	32,054,476

Total increase carpet-baggers, $5,277,129.

TEXAS.

ACTUAL AND ADJUSTED DEBT.

In 1865	$328,866
In 1871	1,454,887
Increase under carpet-bag rule	$1,126,021

CONTINGENT AND PROSPECTIVE DEBT.

The state has incurred prospective and contingent liabilities by guaranteeing the bonds of the Southern Pacific and International Railroads, to an extent estimated in 1872 at	$11,500,000
Total contingent and prospective debt	$12,954,887

Total increase under the carpet-baggers, $12,626,021.

VIRGINIA.

In 1865	$41,061,316
In 1871	47,390,839
Increase under carpet-bag rule	$6,329,523

RECAPITULATION.

TOTAL INCREASE UNDER CARPET-BAG GOVERNMENT.

Alabama	$26,484,409
Arkansas	15,223,386
Florida	15,185,455
Georgia	32,912,250
Louisiana	28,506,474
Mississippi	1,364,449
North Carolina	19,107,522
South Carolina	9,441,950
Tennessee	5,227,129
Texas	12,629,021
Virginia	6,329,523
Grand Total Increase in the Eleven Southern states	$172,411,568

THE POSTAL FRAUDS.

During the long years of Republican administration, every department of the government has grown corrupt. The mismanagement, maladministration, profligacy and corruption of the Post-office Department is, and has been, if possible, worse than that of any other department of the public service. It was thoroughly investigated in 1875, by the Committee on Post-offices and Post-roads of the House of Representatives of the Forty-fourth Congress. That investigation disclosed not only suspicious acts on the part of the heads of the department, but proof of the dishonesty and corrupt practices of the subordinate officials was found. It was shown beyond the shadow of doubt that a ring of contractors for what is known as the Star Route mail service controlled the department during the administrations of Postmaster-Generals Creswell, Jewell and Tyner. It was proved that another ring manipulated the railroad mail service, and still another grew rich at the expense of the government by the steamboat mail service.

The investigation by the Committee of Appropriations of the House at the last session of Congress established the fact that in the Star Route mail service the same ring of contractors, with individual changes it is true, but by the old methods, has and does control the Post-office Department to-day. The administration of that department by Postmaster-General Key and his subordinates is no improvement on that of Postmaster-General Creswell. And why should it be? Practically, the subordinate officials are the same to-day that they were then. There have been in the last twelve years, it is true, three second assistant postmaster-generals, who have presided over and controlled the contract office—the important branch of the postal service. Two of these retired from office rich; they entered their offices poor. The third, and the present occupant, General Brady, began his career like his predecessors, poverty-stricken, and now his friends boast that he is worth a half million dollars.

Second Assistant Postmaster-General Giles A. Smith, Creswell's first chief of the contract office, not only grew rich himself in a few years, but his brother, Morgan S. Smith, who blackmailed the contractors and divided the profits, grew rich also. He lived in regal style in Washington, and entertained like a Russian prince. General Routh, who succeeded Giles A. Smith, after a few years' service was made governor of Colorado Territory, and is now a millionaire. Clerks who held offices under these men at salaries not exceeding $2,000 a year, are now Star Route contractors, with profits of $20,000 and $50,000 a year.

The First Assistant Postmaster-General, James A. Tyner, who was Postmaster-General after the forced retirement of Marshall Jewell from Grant's Cabinet, and who accepted his present position under Key when the fraudulent administration began, lives at the rate of $10,000 a year on a salary of $5,000 per annum. He keeps fast horses and dabbles in mining and other stocks.

The investigation of the Forty-fourth Congress established—

First. Service was improvidently and inconsiderately granted where no public demand existed or public convenience accrued.

Second. Exorbitant prices were allowed for services when needed, and for the work when done.

Third. Services, when not rendered according to the contract, either in spirit or measure, were nevertheless fully paid for.

Fourth. When fraud was detected on the part of contractors, no adequate action was taken by officials to either punish or correct the fraud.

Fifth. When official dereliction, or corruption, or remissness was discovered, the department took no sufficient measures to punish delinquents, or to prevent a recurrence of similar official wrong-doing; so that the government lost annually, in violation of law and through corrupt practices, millions of the public money, and the guilty parties in office and out of office have generally gone free, both of prosecution and punishment.

STRAW BIDS.

The most flagrant abuse which has ever been fastened upon the Post-office Department is that which is described by the popular designation of *straw bids*, a species of organized knavery utterly unknown in our history before the postal administration of Mr. Creswell. A straw bid is the offer of a person to render under given conditions service which he does not intend to render. In most cases it is the bid of an irresponsible person at a figure below the necessary first cost of the service to be performed. It is a false pretense, its immediate object being to obtain the award as a means of preventing the contract from falling into the hands of a responsible party who has bid in good faith. The names of stage drivers and other insolvent intermediates have commonly been used for this purpose. Contractors, in order to defeat the efforts of the department in obtaining a contract on fair and reasonable terms for transporting the mails, form a ring of many bidders, whose bids range from exorbitantly high figures to manifestly small amounts. The contract is awarded to the lowest bidder, who fails, in the interest of the ring; then every next lower bidder retires or refuses to answer when notified, leaving the department the alternative between some bidder higher up the list, or a continuance of the old contract in the nature of temporary services, the temporary services always being performed by the old contractor, at the old exorbitant prices, because no one else on the long mountain routes in the territories will be prepared to commence immediately temporary service. Where there are bidders who do not belong to the ring, these, in many instances, receive large sums to refuse to answer to the bids when notified that the lowest bidder has failed to execute the contract. The contractor or confederated contractors by this means virtually control the contract, and force the department to let to them on their own terms. Again, in many instances of the recent practice, the Postmaster-General has exercised a suspiciously convenient and absolute discretion, and overlooking altogether the bidders in an ascending scale, declared a temporary service, to the advantage of some favored recipient.

THE MODUS OPERANDI.

In operating this system for the purposes of plunder and corruption, there appears from the testimony to have been a combination of rings:

First, a ring of contractors.

Second, a ring of officials, embracing clerks in the contract office; and sometimes an intermediary ring of brokers or agents, by which the two former combinations were brought in contact and enabled to effect and perfect their schemes against the public treasury. That many clerks in the department were in the pay of some of these contractors was fully developed in the trial of Hinds, and the circumstances surrounding that case force belief that this corrupt combination between those clerks and contractors pervaded all the usually denominated ring-contracts to such an extent that the contractor was enabled, from information gained through the clerk who had official access to the records, to know positively who was the lowest bidder, making it easy to underbid him for the contract. As examples of the range in the graduated scale where straw-bidding has been practiced, routes 7,587 and 8,539 may be adduced; in the former, from Fort Gibson to Sherman, 205 miles and back, three times a week, the highest among sixty bidders was $80,049 per annum, and the lowest (straw) $900; and in the latter, from Fort Concho to El Paso, Texas, 475 miles and back, twice a week, the highest bid, of over fifty bidders, was $150,000, and the lowest, $75. In the last instance, the minimum bid was summarily set aside by the Postmaster-General as too preposterous to be entertained, and a straw bid of $4,200 accepted, although it was equally obvious that it was inadequate to a just, or any performance whatever, of the service; and Mr. Creswell had the hardihood to vindicate himself from the charge of failing to exercise a wholesome discretion in rejecting all plainly fraudulent bids, by pleading the letter of the law in its rigor and asserting the illegality of his own act in refusing to consider this very El Paso bid.

CORRUPT OUTGROWTHS.

One of the peculiarities of this system of contract roguery is its tendency to corrupt outgrowths. The award is made to the straw man, and ample time allowed ostensibly to execute the stipulations, but, in reality, to admit of ring handling. Each of the bidders above him and under the first ring bid is approached by one of the ring, who says in substance: "Here are a thousand (or more) dollars for you, if you will withdraw your bid. Even if you allow it to remain you cannot get the contract, for it is already awarded to one of my men, and he will hold it unless you get out of the way. As the case stands you won't make a dollar, while the effect of your withdrawal would be advantageous to both of us; it would put this money in your pocket, and enable me to get a more profitable contract." The bid is withdrawn and the money paid. When all below the first ring bidder are disposed of, the route is awarded to him, the straw man having notified the department that he will not execute the contract. The ring bidder, in like manner, delays until those above him are purchased out of the way, when he in turn fails to execute the contract, and so on up the list. If a hitch in this process compels the ring to take a route at a low rate, they may still depend upon an order from the Postmaster-General increasing or expediting the service. When the object has been by means of straw bidding to secure an order for temporary service, and a re-advertising of the route, the old contractor has allowed the use of his stock for the month's running necessary to save from forfeit the percentage check on the bid deposited with the department. Finally, this business of straw bidding culminated in regular corruption pay for the clerks in the contract sections; the abstraction, for perusal in midnight councils of the ring, of legitimate bids supposed to be properly and securely filed; the forging of names upon bids put in, and in counterfeit authenticating seals.

WHO IS RESPONSIBLE?

For these sustained depredations upon the treasury, and the perversion of clerical morals, Postmaster-General Creswell must be regarded as eminently responsible.

There is, indeed, reasonable room for grave suspicion of his complicity; but even if it be clearly established that he derived no pecuniary profits from these frauds, it cannot be denied that he knowingly and consciously suffered them to exist from motives of either personal or partisan consideration. To this end he solicited and obtained strained constructions of obsolete law in disregard of the more recent statute; to this end he violated habitually the clear and conservative provisions of specific law. *That*, at least, was before him for his guidance; nor can it be successfully alleged that he was in ignorance of the situation and of its particulars, with a departmental force so organized as to grasp and expose them, with special reports before him, in view of the notoriety which obtains from a well-founded public clamor, and in the face of his own official confession of the reality of the evil, and a pretended desire for its excision.

THE CASE OF PETERSON.

The case of Peterson, who sustained an equally unenviable relation to the Creswell regime as that of the Cattells to another department of the government, is singularly illustrative and instructive. This man, who had been a brigade surgeon under General Giles A. Smith, commenced his career as a contractor upon the appointment of that gentleman to the second assistant postmaster-generalship. His rise as an influence in the postal affairs of the Southwest was rapid and remarkable. In the language of the facetious Captain Leathers, one of the witnesses, he became "a big man in Washington," "a man to tie to," and "always knew how to sound the gong." The innermost portals of the post-office opened at his approach; his solicitations never fell unheeded upon the official ear; he was never chided for tardy settlements, nor inopportunely investigated for defective service; and when, in the course of a perfunctory routine, fines and deductions fell to his share as the holder of many contracts, they vanished magically before his protest. However arid it was with other men, the fleece of this Gideon was always wet. His gains were counted in the bar-rooms of Washington, and his power was marveled at by the steamboat men of the Mississippi. A great deal of the testimony relates to the fortunes of this prosperous gentleman, who appears upon the stage in several characters, but is always easily to be identified. Notwithstanding the number and extent of his river contracts, Doctor Peterson was certainly not the captain of a steamboat, does not appear to have ever owned even a portion of a steamboat, and if credence is to be given to the conviction of the veteran Leathers, did not even own "a wheelbarrow." But it is incontestable that in a certain sense he owned both the Postmaster and Second Assistant Postmaster-Generals.

PETERSON'S METHODS.

Peterson's method was to procure contracts upon his merits as an individual and a fellow-campaigner with General Smith, and then sub-let them to more ordinary mortals, who were content with the fair results of vulgar industry. As one illustration among many, the testimony shows that John A. Scudder, the owner of a steamboat, put in a bid to carry the mail from White River to Vicksburg. The lowest bidder having failed, Scudder became eligible, and was prepared to carry it out in good faith according to the conditions of his bid. He received no notice, as was supposed to be the custom under the regulations, and the contract was awarded to Peterson at much higher figures. Scudder's bid was $7,000. Peterson sub-let to Scudder at $10,000, giving Scudder $3,000 more than he bid to do the work for. All these contracts for carrying the mail upon the Mississippi and its tributaries, it will be remarked, were taken by Peterson in his own name, and were, therefore, in direct contravention of that section of the postal laws, which, as he was neither owner nor master of any vessel plying upon those waters, disqualified him in terms from becoming a contractor. Several of the profitable routes thus lavished upon Peterson by his friend Smith, who had charge officially of these contracts, were indisputably superfluous; and the mails of several routes were commonly carried upon the same line of boats under the agreement of a single sub-letting. The work, too, was often very improperly performed, some localities which by the contract should have been served semi or tri-weekly, getting not a single mail in periods of twelve to eighteen days, to the serious delay and derangement of business, and the confusion of social intercourse. But Peterson was too securely entrenched to be dislodged by the protests of angered communities, or seriously disturbed by the reports of special agents.

PETERSON'S INFLUENCE.

The evidence concerning Peterson and his intimate relations with the high officials of the General Post-office, as well as with W. W. Belknap, the then Secretary of War, with Collector Casey and various Senators, as given by other witnesses before the committee, is always either inculpatory or suggestive. Is a hitch threatened in the usual remitting of Peterson's fines and deductions, or in the settlement of his accounts ? There is forthwith a peremptory telegram from Senator West, or a visit from Casey. Is there danger to him of a discontinuance ? Casey is presently at the front to remonstrate. Does a Congressional investigation expose the exorbitant plunder derived by him from a river sub-letting ? A more remunerative land route is substituted in its place; while Chief Clerk French, who also drives a prosperous private stroke at life-insuring the contractors, which makes him thoughtful and conservative towards them, counts not among the least of the felicities of his table Peterson's present of a service of plate. What is singular about this ambitious and benevolent personage is that, notwithstanding the magnitude of his operations, he is several times presented as a perplexity to pursuing sheriffs, who are unable to find anything tangible about him in the way of assets but his *aliases*. Finally he disappears from the scene, but still holding five existing and unexpired contracts, not indeed in a halo of glory, but in a cloud of profanity at Willard's. He has been described here as a type of his class, and yet he has been very inadequately portrayed. There is an impotence in mere scientific analysis for such unique knaves that cannot reach the height of their deserving. Except for the probably less-favored advantages of opportunity, such as is Peterson's are also those of Sawyer and Draper, Barlow and Huntley.

BARLOW, SANDERSON & CO.

The history and experiences of the celebrated firm of Barlow, Sanderson & Co., as given to the committee by its senior partner, is neither less guileless nor less curious. Barlow is a resident of St. Albans, Vt., now a member of Congress; and Sanderson is a resident of St. Louis. The company appears to have been more or less fluctuating. The first-named gentleman was the definable quantity of the concern in the Washington transactions, and he speaks of his sorrows with an instructive mixture of reticence and candor. The associates were of the straw-bid ring, holding and operating mail contracts in Kansas, Colorado, New Mexico and Arizona; they had abundant capital, and always had stock for carrying the service on these remote territorial routes. Sometimes a cashier was set up as the straw-bidder; sometimes a lady relative. At the end of the quarter there would be a declared failure of this bidder; the contract was thrown up, the certified checks with the department having been returned, and the Postmaster-General was compelled to employ the firm which alone possessed facilities for transportation. For so extended a business as theirs, there was probably never so little bookkeeping as by the firm of Barlow, Sanderson & Co. Their papers were of a fugitive and perishable constitution, and, when preserved, were commonly kept in a cellar or a boot-box. Accounts were rendered in gross. Transactions aggregating hundreds of thousands of dollars could only be gathered from loose sheets. Their affairs largely depended upon a class of agreements that were never reduced to writing at all.

NO RECEIPTS.

Twenty, thirty, fifty thousand dollars were paid away to various serviceable individuals at Washington without any recorded acknowledgment or remaining sign, except in the feeble and fallible memory of Mr. Barlow, who, when speaking of the results, innocently expresses it as "a good deal like scattering seed;" an application of the parable which Satan himself might have envied. Repeatedly, when the particular in question is the expenditure of a large sum at a most anxious crisis of his affairs, he is utterly unable to recall either the amount, or the names of the persons to whom it was paid. Enough, however, is produced to indicate the character and proportions of that which is concealed. Two different sets of men were the recipients of the bounty of this firm—the relatives and friends of high officials in the department, and the department lawyers, for their influence and vigilance, and outside Assyrians, who would come down like the wolf on the fold, with the menaces and machinery of investigation and demands for blackmail. To emasculate the investigation of the Republican committee of the then Republican House, Barlow admits to have paid, through one Farrar, between forty and fifty thousand dollars. It is obvious that so large a sum would not have been squandered in obscure and uninfluential quarters. This contractor testifies to having paid Hood, a lawyer, not for professional services, but for "influence with the department," over twenty-five thousand dollars. Earle was Creswell's law partner at Elkton, and First Assistant Postmaster-General until he resigned for the opportunity of this peculiar and profitable species of practice—one of those promoters of Chorpenning whom Senator Morrill, of Vermont, declared "should have their day in court." Mr. Earle was handed $100, $500, $1,000, in the language of Barlow, "any time I was a mind to," as undefined but current compensation for "aid" and "protection" in the department.

CORRUPT USE OF MONEY.

Q. Did you ever make any presents? A. Oh, now, since it occurs to me, I did let General Morgan L. Smith have money; he was the brother of Mr. Giles A. Smith.

Q. Is he dead? A. Yes, sir, he is.

Q. How much money did you pay him? A. I do not know whether you call it payments or not. I never called it payments at all.

Q. What did you give him? A. I could not tell you how much I did give him; I gave him money, loaned it or gave it to him—it is all the same thing—when he asked me for it; not at regular times, but when he wanted it.

Q. What did he want it for? A. I suppose he wanted it to pay his expenses; he was a pretty expensive man.

Q. Can you not remember the amounts? A. I let him have a considerable amount at one time and another.

Q. What do you call considerable? A. I don't know; I don't know how much I did let him have.

Q. As much as $30,000 ? A. I should think not; nor $20,000. I let him have considerable, one time and another; I don't know how much.

Q. What was the object in letting him have that money? A. Well, I don't think there was much object in it any way; I never thought there was.

Q. You gave it to him whenever he wanted it? A. Yes, sir.

Q. At the time you gave it to him who was Second Assistant Postmaster-General. A. His brother was; but I never thought that it had a particle of influence; I never gave it to him to influence his brother, and never thought that it did influence him in any other way than that he would think I was a clever fellow; that is all.

Very naturally Mr. Barlow's great expenditures for interest and protection within the Post-office Department were much more cheerfully made than his payments of levies to the outside raiders who from time to time were threatening mischief to his contracts. Although his memory is usually defective when questioned concerning the details of his transactions with these last, the same cannot be said of his temper when he has occasion to refer to them, where they are either "devils" to be suppressed or "hounds" to be kept in leash. It was not investigation Mr. Barlow, if he is to be believed, feared in the least, only personal annoyance and a jeoparding of the character of his good friends Creswell and Smith.

POSTMASTER-GENERAL CRESWELL'S LITTLE GAME.

And just here may be profitably recalled, by way of contrast to the honest and thorough exposures made in the report of the committee of the present Democratic House, from which we are taking these particulars of the gross mismanagement of postal affairs under the administration of President Grant, the scandalous suppressions and perversions which characterize the report of the Republican majority in the investigation of 1872. That investigation was compelled by a severe and specific article published in the Washington *Patriot.* Postmaster-General Creswell was arraigned for malfeasance, among other charges, in awarding a contract for the Oroville and Portland route in direct violation of law, at a private letting and without advertisement. The route at first had been advertised and should have been awarded to the lowest bid of $96,000 per annum. Creswell accepted an illegal but lower bid upon a pretense of economy. This bidder failed to transport, and the department procured temporary service at $700 a day. Again the service was let at figures far in excess of the rejected bid. Another failure of service ensued, and the department again secured temporary service at $420 per diem. Then the contract was given without advertisement to Barlow and Sanderson at $142,000 per annum. The illegal, if not the corrupt character of this transaction is too apparent to be insisted upon. Even Assistant Postmaster-General Giles A. Smith testified that he knew of no authority of law for making this contract as it was made, for the full term. Attorney-General Ackerman gave it as his opinion that the proceeding was altogether contrary to law. And now appears an important use in the disposition of the money heretofore referred to as paid to Farrar. These fifty thousand dollars were adroitly employed to divert the investigation of the House committee from Barlow to Sawyer, another notorious and peccant straw-bid contractor, who refused "to bleed." No evidence whatever was sought or taken as to the specific charges affecting Barlow, and Creswell was not only acquitted but extolled by the Republican majority of the committee as an upright and vituperated public functionary. It will be thought that such a contrast as is here presented of the records of the Republican and the Democratic House should abash the utmost effrontery of cavil.

LAVISH USE OF MONEY.

So also concerning the practice of lavishly and systematically paying corruption money, which has obtained at Washington during the Republican administration, to influence the operations of the Post-office Department, there is significant testimony pertinent to Sawyer, whose routes were in Texas. A portion of the evidence of George W. Paschal is as follows:

> Q. State to the committee whether, in your examination of Mr. Sawyer's papers, you found any other papers, drafts or memorandum books that were not before the committee when you were last examined? [The witness produced a memorandum book.] A. This memorandum book was handed to me by Mr. Taylor. Mr. Taylor, in looking over the books, happened to take it up and brought it to me. It shows some of the running expenses, traveling expenses and other things.

Q. Is that Mr. Sawyer's handwriting ? A. Yes, sir ; they are rough notes of running accounts which he kept. I see here "November," which seems to be November, 1872. Judging by the dates, I should say that in the past June this entry was made : "Paid attorneys, mails, $10,000." On the same page, which would carry it into the next year, 25th February, for the same kind of services, "Attorneys, $8,000." It is next to the last of the page, on the right-hand side. Then there is an entry here which is a blind account. It is as follows :

Amount paid sharks on account of contract after 1st July.

Wm. H. Farrar, paid by L	$20,000
Captain Hinds, paid by L	7,500
Mrs. Stuart, paid by L	2,000
August, Paid Col. Bell	150
Wolverton	2,000
Phips	3,000
Williamson	2,000
Sept., D. A. F	2,000
Oct., B. & Co	2,000
Oct., Wm. H. Farrar	4,000

And again from the testimony of Francis C. Taylor:

COOKING UP ACCOUNTS.

Q. What amount of those expenses were not put upon the books ? A. All the parties interested, I think, were in Austin, Texas, having a sort of general settlement, in November, 1872. I had been engaged for some time in trying to finish up the business between Ben. Ficklin and Sawyer for the administrator, and Sawyer came on there during the time. Slaughter Ficklin had been there all the time. Sawyer brought with him his account for some $30,000 or $40,000 paid Abbot for coaches, for which he took credit, and which was divided between the different divisions. There were four divisions of staging, and all the parties were there. Sawyer had accounts against my division, and, I think, against all the others. After having various accounts put on the books of the several divisions, Sawyer said, "Here I have an account," amounting to considerable, as well as I now remember, from $50,000 to $60,000—and said, "All the divisions will have to pay their proportion of this." It was a memorandum showing that amount.

Q. This November settlement or charging up of all the different accounts ? A. Yes, sir.

Q. And the $50,000 or $60,000 that was there brought in without vouchers, and which had not previously been entered upon the books, is a separate and distinct item from $200,000 that you said had been previously entered upon the books ? A. Yes, sir ; that amount of $200,000 was on a settlement between Ben. Ficklin and Sawyer. This other amount of $50,000 or $60,000, I forget which, was for the year from July, 1871, to July, 1872, and was to be divided among the different firms then in existence ; and as Sawyer said, when it was presented, "Here is an account of money that I have expended in Washington that must be divided among the different companies." I don't think Wright objected. I think Scott said a little, and Slaughter Ficklin said considerable, and intimated that such blackmailing operations should not be paid, or something of that kind.

Q. There were no names on the paper indicating to whom it had been paid ? A. No, sir ; I am satisfied of that. I remember that there were two items of $10,000 or one of $20,000, I am not positive which, and which Sawyer stated or admitted that he had paid to the same party.

A LOOSE SYSTEM.

For transportation of the mails the advertisement and contract specify a certain number of trips per week each way over the route. If at any time during the contract term it properly appears to the department, through petitions from the people and from reports of its agents, that additional mail facilities are required, the Postmaster-General is authorized by law to order an increase in the number of trips per week. Such an order carries with it a corresponding increase of pay. Where the contract calls for, say one trip a week, with compensation at $10,000 per annum, if an additonal trip be ordered, the pay is advanced to $20,000; three trips would command $30,000, and so on, a trip each day in the week enabling the contractor at this rate to draw $70,000 per annum. It will be readily perceived what reaches of corruption are thus made possible on territorial routes traversing remote regions and subject to but limited observation.

In issuing the advertisements for postal services, proposals are invited for carrying the mail on a particular route, say, once a week. With the advertisement is published the following notice :

> The Postmaster-General has no power under the law to release bidders and contractors, and their guarantors and sureties, from their liabilities, on the allegation of real or supposed mistakes of any kind in making proposals. He particularly requests that, before bidding, the fullest inquiry and investigation be made in regard to the route, distance, service, weight of mails, cost of stock, feed and all expenses, existing and likely to occur, during the contract term and with due consideration of the consequences imposed by law on delinquents.

HOW BONA FIDE BIDDERS ARE DISPOSED OF.

After this notice a *bona fide* bidder, in making his estimates, will assuredly allow margin for a fair profit, taking into account all the difficulties, expense and risks involved in the performance of the service. Having obtained the contract, established his stations along the route, and otherwise arranged for one trip per week, any order that he can procure for additional service, carrying with it *pro rata* increase of pay, gives him a great percentage of profit. It is matter of common information among people advised on the subject of postal contracts that the amount of stock ordinarily employed in transporting the mail once each way over a route is sufficient also for an additional trip. If any further expense is incurred, it is, in comparison to the pay received, so slight as hardly to merit attention.

We will suppose the route, probably a sparsely-peopled expanse of wilderness and mountain road, to have been procured by the favorite ring contractor. The preliminaries have been ostensibly observed—the guarantors have been certified to by Postmaster Edmunds, whose vocation it is to swear clairvoyantly to the circumstances of unknown people, and the signatures to the bonds have been attested by some complaisant Washington notary who can make a thousand dollars worth of realty indefinately available by administering the oath in instalments, and the service is begun. Part of the route is coached, and on parts of it where there is no passenger travel, the "mails"—sometimes a mere pocketful of letters—are carried on horseback or on a buckboard. Presently—within a month or a week, it may be—interest having been previously made with the Postmaster-General, an increase of service is ordered, and the contractor's pay doubled. In some instances, when the necessity for the route itself was altogether doubtful, it has been thus trebled. Penalties for default on the favorite contractor, when default is reported at all, in the shape of fines and deductions, are seldom visited; and when visited speedily remitted, except in perhaps a nominal sum for the sake of appearances, while the honest contractor is held to a rigorous accountability. The ring contractor's accounts are marked "special," and take precedence in settlement; while the required certificates of service from the postmasters at the termini are often forged in Washington and presented as from New Mexico or Colorado with the ink upon them scarcely dry. It was one of Peterson's tricks to run the service regularly on long routes a few miles to and from each terminus, that he might spare the tender Republican consciences of the officials in making their reports, while he was neglecting the whole intermediate for weeks together. This prevalent, if not collusive, knavery under his predecessor, by which the treasury was inordinately plundered, was refused investigation by Postmaster-General Jewell, upon the principle so appropriately recognized, it may be supposed, by a military administration, that dead men should tell no tales.

GLARING FRAUDS.

The orders made by Postmaster-General Creswell within a single year for increase of service on route No. 43,127, considered in connection with the population of the country through which it runs, and the insignificant postal revenue derived from it, bear on their face the most glaring indications of fraud. The route referred to was that which was held by C. C. Huntley, of the Northwestern Stage Company, running from Walla-Walla, Washington territory, to Missoula, Montana territory, a distance of 450 miles. The pay on this route was increased to $71,226 per annum. The intermediate stations, as entered upon the department records, are Waitsburgh, Tukannan, Union Flat, Colfax, Rosalia, Rock Creek, Pine Grove, Spokane Bridge, Horse Plains, St. Ignatius and Agency. Here is quite a suggestion of populous geography, but with one or two exceptions the places are scarcely entitled to be called hamlets, while Walla-Walla itself, the largest of them all, is but a small settlement. So far as the report of the last census indicates, the sum of their population is a little over three thousand souls. But, to avoid cavil, we will take the population of the counties in which these places are supposed to be situated, which is 8,588. So the department pays out for postal facilities for each and every man, woman and child about the sum of nine dollars. Now the postal receipts from all the sixty-three routes of these two territories was at the time but $44,112, or over $27,000 less than was paid Huntley for running this almost superfluous route. But if it be contended that such a route is in the nature of necessity and the interests of civilization, we will pursue the inquiry a little further. Of the 3,341 inhabitants of the places before enumerated, 3,194 reside at or near the termini of the route, leaving only 147 as living along this barren reach of four hundred miles. Again, the above population was otherwise provided with mail facilities. Missoula had a mail outlet to civilization, and the Union Pacific Railroad, by a route running to Helena, Montana, over which postal communications was had three times a week. On the other hand, Walla taps the railroad seven times a week by the stage route, and it is in addition supplied with mails seven times a week from Portland, Oregon.

Huntley was the first contractor on this route, and his contract called for one trip per week, with pay at $23,000 per annum. This service was increased to three trips, and for the fiscal year ending June 30, 1869, he received $68,967.39. Owing to the persistent protests of postmasters, special agents and an officer of internal revenue, the number of trips was, about the close of 1869, reduced to one per week. But the complaints in behalf of honesty of these faithful public servants brought the axe to their necks. Huntley boasted of their dismissal.

On the 30th of September, 1869, advertisements were issued for service in the territories for four years, to commence July 1, 1870. As to the Walla-Walla route, proposals were invited for one trip per week, including side supply to Stevensville and Fort Owen. L. L. Blake was the accepted straw bidder at $15,100, and contract was made with Huntley at $22,900. Now, holding in view the history and character of this route—the fraud by which the route was established and the contracts obtained, the ridiculously few people to be supplied with postal facilities, the abundance of supply through other channels, the trifling revenue to be derived by the department, and the great preponderance of expenditures over receipts, all of which was fully proven to Mr. Creswell—observe his action immediately following the commencement of service under Huntley's renewed contract, which went into operation July 1, 1870.

HUNTLEY'S ALLOWANCE.

First.—On that very day he made an extra allowance. In June, 1868, a post-office called Tukannan was established in Walla-Walla county, Washington territory, about ten miles off the main route, which at that time was numbered 15,422, and the salary of the postmaster there stationed was fixed at $12 per annum. Up to the 30th of June, 1873, no change had been made in the salary of this officer, showing that little or no business was transacted by him for the department; and, moreover, the agent of the Census Bureau, if he happened to find the place, disregarded it, for there is no enumeration. Nevertheless, on the 1st day of July, 1870, Mr. Creswell made an order allowing Huntley $2,130 for pretended supply of this office from June 17, 1868, to June 30, 1870, under his old contract.

Second.—Within the same month, to wit, on the 29th thereof, he issued an order for one additional trip a week on side supply from Missoula to Stevensville, forty miles, with additional allowance of $2,022 per annum.

THIRD.—By the 23d of the following month Mr. Huntley had made interest with him for a yet greater favor; for on that day was promulgated his order for service on side supply extended from Stevensville to Gird's Creek, forty-five miles, with additional allowance of $4,550 per annum. The office of Gird's Creek was of so little importance that no person could be found to act as postmaster, and in the following December it was discontinued and has not been re-established; and the astonishing fact is to be told that the additional pay of $4,550 was, notwithstanding, continued until the end of the contract term, a period of three years and six months.

FOURTH.—Only four months later he presented Mr. Huntley with the equivalent of a large fortune in the shape of an order, dated Dec. 22, 1870, for two additional trips a week between Walla-Walla and Missoula, with an additional allowance of $41,754 per annum!

HOW THE ADVERTISING OF ROUTES IS MANIPULATED.

In a general way, the manner and effect of "increasing the service"—a power vested in the Postmaster-General—has been explained; and it will now be shown how the Ring has, by directing the preparation of advertisements in the department, opened the way for the exercise of that power in their interest.

For the purposes of the contract office, the states of the Union are grouped in four sections. The first comprises the New England and Middle states, Maryland and the Virginias; the second the Carolinas, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio and Indiana; the third, Illinois, Michigan, Wisconsin, Iowa and Missouri; and the fourth all the remaining states and the territories. The contract term for each of these sections is four years, commencing with the fiscal period, but the regular lettings are separated by equal intervals of time.

There are seventeen corresponding or contract clerks, about equally distributed, each assigned to the business of a particular number of states belonging to his section. It is the duty of the contract clerk to keep a record of bids and awards; to see that provision is made for supplying his post-offices with transportation; to receive petitions for the establishment of new routes and for increase of service, and to examine as to the necessity for what is asked in the petitions; to be familiar with the character of the country through which his routes pass, and to this end he is supplied with maps and all other necessary facilities; to make up and submit cases to his superiors, and to prepare advertisements for proposals. These advertisements are published in a pamphlet, and arranged therein according to the numerical order of the routes. The offices on the route are given, as are also the distance, time of arrival and departure, and the number of trips per week. This last is the item which invites attention. It was the object of the Ring to have the number of trips on any given route reduced in the advertisement to one trip per week in order to ward off competition, well knowing that having once obtained the contract they could, by the mere scratch of Mr. Creswell's pen, have the service increased and the pay doubled or trebled.

Outside bidders, ignorant of the country and not in the secrets of the Ring, were not disposed to risk their capital under a contract for but one trip a week, except at a rate which carried them above competition with the Ring. But suppose an outside bidder should assume the risk and obtain the contract at one trip per week, then indeed would he feel the power of the monopoly. He would in vain attempt to procure an increase of service. The performance of his contract would be watched with the untiring vigilance of cupidity and malice, and he would be subjected upon every pretext to fines and deductions. Reduced to a condition of despondency, he would be approached by an emissary of the Ring with a proposal to sell his contract, and this he would gladly accept. But such a contract is not assignable. This, however, is only an apparent difficulty, readily overcome by the execution of a power of attorney, which carries with it the control of route pay. All that remains to him is the percentage the Ring may consent to bestow. The bargain concluded, the department at once relaxes, and an increase of service is ordered for the account of the Ring.

Sometimes less service has been advertised for than was actually needed, and in such cases the public have suffered great inconvenience. This was done with a full knowledge by the department of existing necessities in the territorial lettings of 1869. The wants of the people, as was foreseen, compelled an almost immediate increase. Take, for example, route No. 7,587, from Fort Gibson, Ark., to Sherman, Texas, and the direct line of communication between St. Louis to that state. There was need of daily service, and of this fact the department was fully aware. Such, indeed, was the importance of the route that the Chamber of Commerce of St. Louis petitioned for that amount of service. Yet in the advertisement but three trips were called for. The award was made to a straw bidder at $900, upon whose failure the petition of the Chamber of Commerce was granted, the service was increased to six trips a week, and a contract was made with F. P. Sawyer for the temporary service at $34,296 per annum, the old rate of pay.

ANOTHER INVESTIGATION.

The investigation at the second session of the Forty-sixth Congress originated in this way: The Postmaster-General, in his annual report to Congress, made no allusion whatever to a possible deficiency for the Star Route mail service. At the time he wrote his report he knew that there must be for that fiscal year, 1879–80, a deficiency in that service for more than $1,000,000. Congress had not been in session two weeks before Postmaster-General Key, enclosing a letter from his second assistant, Gen. Brady, sent a letter to the Senate and the House asking for an appropriation of $2,000,000 to meet a deficiency in the Star mail service. Thereupon the House referred the letter to the Committee of Appropriations. That committee considered the matter, and unanimously agreed to ask the House for authority to inquire into the whole subject. That power was granted by the House without dissent.

The investigation began. Second Assistant Postmaster-General Brady was called upon to account for the money he had expended. The appropriation made by Congress for the Star Mail service for the fiscal year 1879–'80 was $5,900,000—every dollar the department estimated would be required, and every dollar asked of Congress. He had spent the whole of this sum in the first three-quarters of the fiscal year. This had been done by increasing the pay of contractors. It was the old system. Contractors bid low for the service. The department had prepared the way for this, by advertising for service less frequently than it was required, and at a slower speed than the mails had been carried the previous contract term. Then the contractors having obtained the contracts at low bids, got up petitions along the routes asking for more frequent deliveries of the mails and quicker time. On these petitions the increased speed and additional deliveries were ordered.

SENATOR DORSEY'S RAKE.

To show how this business was managed we will instance one case. Senator Stephen W. Dorsey, while he was still in the United States Senate, entered into a combination with his brother, John W. Dorsey, his brother-in-law, John M. Peck, and John R. Miner, to obtain as large a number of Star Mail contracts as possible. They employed an ex-post-office clerk named Redell, who was familiar with the routine of the business in the department. He prepared the bids, drew up the bonds, which must be signed by the bidders, with the amount of the bid inserted, and then some postmaster must certify that he is well acquainted with the bondsmen, that he saw them execute the bonds, and that he knows that they are good for the amount thereof. Senator Dorsey sent these bonds, without being signed by the bidders, without having the amount of the bids inserted, to the postmaster at Little Rock, Arkansas, a creature of his, who had them executed, with one or two sureties, and returned them to Dorsey at the Senate Chamber. The whole thing was a farce and fraud from the beginning. It was so proved before the Committee on Post-Offices and Post-Roads of the Forty-fifth Congress, in March, 1878. So complete was the proof that Mr. Cannon, a Republican member of the committee, insisted that the Postmaster-General should be notified of the facts, so that he might reject the fraudulent bids. The notice was given ; Dorsey himself came before the committee and solemnly swore that he had no interest, and expected to have none, in any contracts which might be obtained on these bids. The Postmaster-General, Mr. Key, in spite of the notification he had received of the character of the bids made by Dorsey's Syndicate, accepted them and awarded more than 100 contracts to the members of the Ring. His excuse for doing this was that the government saved $160,000 a year thereby, as compared with the price paid for carrying the mails on the same routes during the previous four years.

Within a month after Dorsey's time expired as Senator, on the 4th March, 1879—the contracts taking effect, June 30, 1879—he himself took sub-contracts in a large number of the most profitable of the routes the Syndicate had obtained. A sub-contractor means the one who actually performs the service. Dorsey did not perform the service. He sublet the routes to Barlow, Sanderson & Co., and other contractors. Now, what happened with these contracts which were to save the government $160,000 a year? Before service began on many of them, and before any of them were six months old, they had been raised by Second Assistant Postmaster-General Brady, till they—the 100 and odd routes—cost the government $553,000 a year more than the original contract called for. These contracts were for four years, so that this steal will amount to $2,212,000 !

TWELVE SAMPLE CONTRACTS.

To show how the government was swindled by allowances by Brady for additional service and increased speed, we append the following table, showing what twelve sample routes were originally let for, and what they were raised to:

State.	No. of route.	Termini.	Length as let.	Present length.	No. of trips as let per week.	Present No. of trips per week.	Original pay.	Increase.	Present pay.
			Miles.	*Miles.*					
Indian Territory..	32024	Vinita, Las Vegas....................	638	810	1	7	$6,330 00	$144,262 03	$150,592 03
Dakota........................	35051	Bismarck, Fort Keogh..............	303	310	1	6	2,350 00	67,650 00	70,000 00
Texas........................	31454	Fort Worth, Yuma..................	1,560	1,426	7	7	134,000 00	165,000 00	299,000 00
Montana.....................	36107	Bozeman, Fort Keogh	326	361	3	7	16,500 00	68,766 81	85,266 81
Wyoming...........	37110	Rock Creek, Fort Custer............	331	331	3	7	10,507 25	78,260 87	88,768 12
New Mexico..............	39109	Las Vegas, Las Cruces..............	442¼	424	3	7	14,900 00	76,311 68	91,211 68
Arizona.....................	40101	Prescott, Santa Fé....................	460	460	3	7	13,313 00	122,662 00	135,975 00
Do.....................	40103	Prescott, Mohave City	190	190	2	7	7,440 00	59,519 99	66,959 99
Do.....................	40116	Phœnix, Prescott....................	140	140	1	7	680 00	31,960 32	32,640 32
Oregon...	44155	The Dalles, Baker City..............	275	275	2	7	8,288 00	64,232 00	72,520 00
California.............	46120	Soledad, New Hall.............	304	332	7	7	29,000 00	26,424 33	55,424 33
Do.	46247	Redding, Alturas......................	179	179	2	6	5,988 00	29,940 00	35,928 00
							$249,296 25	$934,990 03	$1,184,286 28

THOS. J. BRADY,
Second Assistant Postmaster-General.

CONTRACTOR SALISBURY'S INCREASE.

Here is another table showing how one contractor, Monroe Salisbury, had his contracts worked up by Brady. These include only those on which the increase amounted to more than $5,000 a year :

States.	Route.	Termini.	Distance.	Original contract price.	Increase.					
					For additional distance.		For additional trips.		For expedition of schedule.	
					Amount.	Date.	Amount.	Date.	Amount.	Date.
Nebraska	34156	Sidney to Deadwood	298	$9,775 00					$19,550 00	July 1, 1878
Dakota	35040	Fargo to Pembina	156	17,000 00			$4,250 00	Aug. 1, 1878	8,500 00	Aug. 1, 1878
Montana	36107	Bozeman to Fort Keogh	361	16,500 00	$3,542 92	Jan. 25, 1879	48,723 89	Aug. 1, 1879	16,500 00	Dec. 16, 1878
	36115	Helena to Missoula	140	6,425 00			2,677 08	Jan. 1, 1879	9,637 50	Jan. 1, 1879
	36124	Watson to Deer Lodge	116	4,921 00			2,084 50	Jan. 1, 1879	7,586 00	Jan. 1, 1879
Colorado	38155	Antelope Springs to Silverton	60	2,840 00			2,840 00 1,893 33	Aug. 1, 1878 Feb. 17, 1879	5,680 00	Feb. 17, 1879
New Mexico	39114	Fort Stanton to Fort Davis	400	3,500 00			7,000 00	July 1, 1879	21,000 00	July 1, 1879
	39116	Fort Bascom to Trinidad	185	1,760 00	428 10	Feb. 15, 1880	3,520 00	July 15, 1879	10,560 00	July 15, 1879
Arizona	40103	Prescott to Mohave City	191	7,440 00			3,720 00 38,262 85	Apr. 15, 1879 Aug. 1, 1879	17,537 14	April 15, 1879
	40107	Wickenburg to Maricopa Wells	120	4,999 00			1,999 60 4,110 29	Oct. 16, 1878 Feb. 17, 1879	21,384 60	Feb. 17, 1879
Utah	41122	Richfield to Knob	150	2,390 00			4,780 00	Sept. 1, 1878	7,170 00	Oct. 1, 1878
Idaho	42121	Eagle Rock to Salmon City	165	4,750 00			12,666 66	Aug. 1, 1879	4,750 00	Oct. 1, 1878
Nevada	45124	Eureka to Pioche	267	15,300 00	8,295 76	Feb. 1, 1879	2,550 00	July 1, 1878	13,150 00	July 1, 1878
	45132	Wells to Hamilton	225	10,700 00					15,000 00	Aug. 1, 1879
California	46120	Soledad to Newhall	304	29,000 00	4,173 51 500 82	Oct. 15, 1878 Mar. 17, 1879			21,750 00	Oct. 15, 1878
	46207	Susanville to Lake View, Oreg.	155	6,975 00			13,950 00	Aug. 15, 1879	6,975 00	Aug. 1, 1878
	46267	Willow Ranch to Reno, Nev.	215	3,425 00			34,250 00	Aug. 1, 1878 Aug. 15, 1879	10,275 00	Aug. 1, 1878
			3,508	147,700 00	16,941 11		189,278 20		217 005 24	

Total increase per year on 17 routes	$423,224 55
For four years	1,672,898 20

In addition to these Salisbury had 58 contracts, and his total increase on the whole 75 was more than $1,000,000 a year or $4,000,000 for four years.

GENERAL BRADY'S IMPOTENT DEFENCE.

The following is the way General Brady excused himself for his acts. The questions were put by General Hawley of Connecticut, one of the Republican members of the committee :

By Mr. Hawley : These contracts, if carried out, will make a deficiency. Were they in any proper sense authorized by law ? A. It was entirely within the discretion of the postmaster-general to do all that he has done.

Q. Was there an appropriation (considered in the language of the statute) adequate to the fulfillment of those contracts ? A. There was up to a certain time.

Q. My question admits of an answer, yes or no. Was there an appropriation (considered in the language of the statute) adequate to the fulfillment of those contracts as they stand to-day ? A. I answer again that the appropriation was adequate up to a certain time.

Q. And that is as nearly as you can answer ? A. What that time is, we may get at by the slate.

Q. These contracts not being in existence when the appropriation of $5,900,000 was made, could they have been contemplated at that time ? That question, however, answers itself. They could not be. How do you meet section 3679 of the Revised Statutes, which provides that you shall not expend in excess of appropriations ? A. I meet it by saying that we have not yet expended in excess of the appropriation, and do not propose to do so. We propose to bring ourselves within that statute.

Q, How do you meet that section of the statute which says that you shall not involve the government in contracts for future payments in excess of the appropriation ? A. My former reply answers that.

Q. That is to say, that you have a right to kill the contracts so as to keep within the appropriation, is that it ? A. Yes.

Q. But you say in your statement that the expenditures for the present fiscal year up to the first of January is $3,800,000. A. Yes ; about that.

Q. Is that the rate at present ? In other words, are you going at the rate of $7,600,000 a year-or have you increased the service so that for the next six months the expenditure would be more than $3,800,000 ? A. No ; I think not.

Q. You have but $2,100,000 left for contracts that call for $3,800,000. Is that true ? A. I presume it is ; I have not figured it.

Q. If you have now expended $3,800,000 out of the $5,900,000, there is but $2,100,000 left ! A. Something in that neighborhood.

Q. There is, then, $2,100,000 left for contracts, that call for $3,800,000. That is a little over one-half. Must you not, then (to say nothing about the month's extra pay), stop all the Star routes absolutely, about the first of April, in order to keep within your appropriation ? A. I had calculated that we could run the service exactly as it is until about the middle of April.

Q. I calculate that it will take you to about the 10th of April, but I understand that you are bound for a month's extra pay in case you stop the contracts ? A. Yes.

Q. So that you have got to stop absolutely about the 10th of March every single Star route within the United States in order to keep within the appropriation authorized by law. Is not that mathematically correct ? A. It is very near correct, I judge. The postmaster-general was figuring on it the other day, and as the result of his figuring he gave me an order to commence a reduction on a large number of routes, to take effect immediately. I told him that I did not think that that would be good policy, as I thought that Congress was going to give us the money.

Q. Then, approximately, on the 10th of March the service on every Star route in the country must stop. You stated that failure to keep up the service would be disastrous to the contractors. Did they know that they took their contracts under the risk of an entire suspension? A. No, sir ; they knew nothing about the internal management of the office in that respect.

POST-OFFICE DEPARTMENT.

PETIT LARCENY.

Petty steals in the departments have given the Democratic Congress great trouble. Amounts ranging from five hundred dollars to twenty and thirty thousand dollars have been smuggled into the estimates sent to Congress. They are so covered up in ostensible necessities that it is hard to discover them. In last year's appropriation an item of *twenty thousand dollars* in the Post-Office Department estimates was found to be of the character referred to. The House Committee on Appropriations notified Postmaster-General Key that there would be no further use in sending in the request for this particular amount.

Eight years ago the Post-Office Department began the payment of $20,000 annually for the publication of the official Post-Office Guide. There is no record of its having been given out by bid and contract. All that appears is an appropriation of this amount to be paid to the Boston publishing firm of H. O. Houghton & Co. for the publication of the Guide. When the Democrats came into power the request was changed by omitting the name of the publishing firm, making it appear that the department was publishing the Guide. When the true nature of the transaction was learned, the present Postmaster-General was warned that thereafter no appropriation would be made for the purpose. Mr. Key said in explanation that it was a matter he found in the department when he came in, and he begged as a personal favor to have the appropriation made. The official Post-Office Guide is a book known to every one. Its sale reaches into hundreds of thousands of copies annually. It is corrected about every three months. The corrections consist of the mere insertion of new post-offices and the names of the new postmasters. All this data is furnished to the publishers by the department, thus relieving them of all the trouble save the mere changing of the names. This being accomplished a new edition is brought out and sold at 50 cents a copy. The profits on the book are thus made enormous. The $20,000 a year is given as a bounty to the publishers. The pretense upon which this money has been handed over is that it is in payment for copies furnished the department.

There are many publishing firms who would not only furnish the department with its copies gratis, but would pay the department $20,000 a year for the privilege of publishing and selling the Guide; which is made official by the signature of the Postmaster-General.

GOVERNMENT PRINTING FRAUDS.

The Government Printing Office was established in 1860. Immediately before that the public printing had been done by contract, and had been done so well and honestly that its continuance was advocated by the ablest men in both Houses of Congress, and by Senators Cameron and Hamlin, then the only practical printers in the Senate. The scheme of establishing a public printing office was advocated chiefly by those who expected to profit by such an institution. Chief among these was Cornelius Wendell, the owner of the establishment which the government bought at an enormous price. Wendell was doing the printing for Congress, was financially embarrassed, and was suspected of being guilty of frauds. The Committees on Printing of the two Houses had many conferences on the subject, and listened to the testimony of many expert witnesses as to the feasability of establishing a government printing office. All whose opinions were worth anything expressed adverse opinions, Mr. Rives saying that the printing would cost from fifty to one hundred per cent. more if it was done by the government itself. Those who recommended the plan were Wendell (who owned the building in which the printing office is located), English, Larcomb, Powers, and Defrees, the present public printer. The other three were clerks of Wendell. The plan was adopted, notwithstanding the character of the opposition, and the superintendent of public printing was authorized to contract for the erection of a government printing office by joint resolution of June 30th, 1860. The office of Congressional Printer was established February 22d, 1867. John D. Defrees was the first printer, A. M. Clapp the second, and now Defrees is at the head again. In 1873 the *Congressional Globe* was discontinued and the *Congressional Record* established. The former had been printed by Mr. Rives, the latter is printed at the Government Printing Office.

No sooner was this great machine set in motion, than suspicion of fraud began to attach to it. So loud were the complaints and so plain the evidence that in 1874 the Republican Senate was compelled to order an investigation. It was a whitewashing affair, however, directed only to one subject of inquiry, the charge of excessive charges made by the public printer against the departments. Other charges were made against Clapp while this investigation was pending, but a hearing on them was rudely refused by the committee. Clapp's attorney was Dick Harrington, a member of the District Ring, who was himself under investigation at the time.

When the Democratic House came in, however, at the beginning of the Forty-fourth Congress, it was determined to make a thorough investigation of the printing office. The institution had been established by the Republicans, and was vigorously defended by Republican influences. With this establishment the cost of the public printing has increased to between $1,500,000 and $2,000,000, from which it is estimated the stealings are from $400,000 to $600,000 a year. Some of this money is used for printing Republican campaign literature, and for binding books for the private libraries of members of Congress.

The investigation being ordered, Mr. Clapp testified that he bought his supplies at the lowest rates, and did his work economically. A number of expert printers, on the other hand, testified that samples of work shown them could be done profitably for from twenty to three hundred per cent. lower than Clapp had charged.

ASTOUNDING DISCLOSURES.

A. R. Spofford, the able Librarian of Congress, testified to the enormous charges of the government printer for work done for the Congressional library, and said that he wanted it put on record that he was no party to these frauds, as he was compelled by law to send all the books to be bound to the Government Printing Office, no matter what the charges were. He brought books to the committee room and fully illustrated the various charges. The binding for the Congressional library last year cost over twenty-eight thousand dollars.

George A. Gane, of New York City, the proprietor of two of the largest establishments in this country for the sale of binders' material—one in New York City and the other in Boston—made astounding disclosures in regard to what the government printer pays and what he would furnish the same material for. He said that he had noticed the frauds practiced in the purchase of binders' material for the government several years ago and found out that there was no competition to the trade. He had written to Mr. Clapp, sent him samples, and said that he would furnish the articles for prices named. Mr. Clapp paid no attention to this, so a year later Mr. Gane wrote again to Mr. Clapp, calling his attention to his former offer. Mr. Clapp gave him an order for a small quantity, and, acknowledging the receipt of the material, stated that it was entirely satisfactory, but never gave another order.

John Gibson, of Washington, a practical printer, who has a large establishment which he had conducted over thirty years, furnished prices at which he was willing to do the work for the government, and they were one hundred and sixteen per cent. lower than those charged at the Government Printing Office.

Joseph L. Pearson, a practical printer of twenty-one years' experience, was one hundred and twenty per cent. lower in his estimates.

All the persons named and many others, who gave similar testimony under oath, are proprietors of large establishments and are persons of the highest integrity and bear the highest reputation for truth and veracity, and their testimony cannot be questioned.

OVER ONE HUNDRED PER CENT. PROFIT.

In regard to blank books manufactured at the Government Printing Office for the various departments, including all the custom-houses, Mr. Lewis A. Lipman, of the firm of Boorum & Pease of New York, the largest blank-book manufacturers in New York City, testified that their prices, including profits, were one hundred per cent. lower than those charged at the Government Printing Office.

It should be borne in mind that in all these charges against the Congressional printer for work done he takes no account of superintendence, rent, taxes, insurance, repairs, and many other items of cost that amount in the aggregate to a large sum, and which all private establishments have to take into consideration in making up their prices. The foreman in the press room in the Government Printing Office testified that the presses were run up at a very high rate of speed, in some cases double what they would be in a private establishment, and hence frequent breakages and repairs and early destruction of the presses. To practical printers it is only necessary to say that an Adams press is run at the rate of sixteen hundred impressions per hour, and they can form an idea of the enormous wear and tear there must be in the course of a year. It makes no difference to the public printer how long a press may last, for as soon as it is worn out it is thrown away and another purchased.

There is no check whatever upon the person in charge of this vast establishment, and he can purchase whatever material, machinery, presses, type, etc., he chooses, and makes whatever arrangement he can with parties furnishing such supplies, and it would be a very easy matter in this way to defraud the government of large sums of money. The quantity of type in the Government Printing Office would probably supply every printing establishment in New York City. They have such a vast supply that if they have a book to print which they have reason to believe may be ordered reprinted in a year, they keep all the forms standing, no matter if there are a thousand pages. Instances in which forms are kept standing in this way were made known to the committee ; and it was proved that the cost of composition was charged against the government a second time.

WHAT REPUBLICAN WITNESSES TESTIFIED.

With such facts before them the committee made their report to the House recommending certain changes, which recommendations were adopted by the House, and legislation authorizing them was inserted in the Sundry Civil Bill. The Senate struck out all these safeguards and checks, which were designed by the House to prevent overcharges and other fraud on the part of the public printer. Senator Morton advocated Mr. Clapp in the Senate, notwithstanding the testimony taken by the Printing Committee of the House had been published weeks before, had been discussed for days in the House, and had been commented on by all the principal papers in the country ; and notwithstanding, too, the fact that nearly all the witnesses and experts who gave this testimony acknowledged themselves to be Republicans. Mr. Lipman and Mr. DeVinne, who gave the most damaging testimony, are staunch Republicans ; and Mr. Behle, an accountant who examined the books of Mr. Clapp, is also a Republican and has been employed for the National Republican Executive Committee as a stump speaker. The committee, in selecting experts, had but one object, and that was to obtain competent experts and honest men. Those only who were known as standing at the head of the different trades were subpœnaed.

WHAT IS STOLEN.

Some of the frauds practiced were of such glaring character that the testimony of an expert is not necessary to expose them ; for instance, small blank books, which can be purchased at any stationery store at retail for from thirty to forty cents a dozen, the Congressional printer swears cost, at the Government Printing Office, from sixty to seventy-five cents per dozen. The Revised Statutes, a book of course familiar to every lawyer, the government printer testified cost three dollars and a half each. This is one of the cases in which he undercharges. The object of this is to make it appear that work of this kind done at the Government Printing Office is done at far below the prices charged at private establishments ; but when the books of the Congressional printer came to be examined by the committee it was found that his volume which he says cost three dollars and a half actually cost nearly seven dollars. In the same way various other cases may be mentioned. For instance, the Army and Navy Register, of one hundred and fifty pages, is kept standing in the forms from one year to another, only slight changes having to be made in the yearly corrections; yet full composition is charged every year, no matter if but a single name has been changed.

From 1863 to 1875, inclusive, the Government Printing Office, exclusive of repairs, taxes, insurance and improvements, has cost **$21,767,496.91,** or an average per year of **$1,674,422.84.** From the data obtained by the House Committee on Printing, it can be safely assumed that if the work done at this establishment had been honestly done or given out by contract to the lowest responsible bidders, it could have been done as promptly and more faithfully, at a saving of at least forty per cent., or about **$8,600,000.**

THE FRAUDS PRACTICED IN THE PURCHASE OF MATERIALS

can be judged from the testimony of George W. Garner, a member of the firm of John Campbell & Co. This house had furnished materials to the public printer for seven years. Garner testified that Clapp bought from $125,000 to $150,000 worth of material of his firm annually. To show what profit was made on these sales, he swore that in a sale of $879.25 worth of imitation gold leaf the firm made a profit of $570.25. This transaction was more to the discredit of the public printer because the gold leaf was purchased of Valleau, of New York, and each package was stamped with his name. Had Mr. Clapp been really desirous of buying the goods as low as possible he would certainly have dealt with first hands. On a sale of $4,452 worth of law calf, Garner testified that his firm realized a profit of $1,264. Generally, he swore, the public printer paid him higher prices than individuals did. Mr. Clapp swore that he always made his purchases in open market, but on cross-examination he testified that he bought at private sales and of whom he chose, never advertising for proposals or bids.

Mr. Clapp was guilty of a

VIOLATION OF CRIMINAL LAW.

In March, 1872, he testified he drew a check for $234 to Philp & Solomons for white paper. Solomons swore, however, that the public printer had not purchased a sheet of paper of the firm, and that the check was a false voucher, made out for Mr. Clapp's benefit. The following is the story of this discreditable transaction:

From A. M. Clapp's testimony: Question. Referring to the stubs of your check-book under the date of March 1, 1872, do you find that a check was drawn in favor of Philp & Solomons for $234? Answer. I do.

Q. Can you explain for what that check was drawn? A. I cannot here say.

Q. Do the data you have show that fifty reams of white cap paper were purchased from Philp & Solomons on February 20, 1872? A. Yes; and receipted for by my foreman of binding.

Q. It shows that you purchased paper from Philp & Solomons? A. Yes, sir.

A. S. Solomons testifies to the fact that not one sheet of such paper was purchased from him by the Congressional Printer, but that a false voucher was made out for the benefit of Mr. Clapp, and used in his settlement with the treasury.

Question. Did you make an examination in regard to the transaction of March 13, 1872, when the Congressional Printer drew a check in favor of Philp & Solomons for $234? Answer. I did.

Q. Please state the result of that examination. A. We had a large number of blank books which we desired to sell to the Treasury Department. They needed the books, but had no fund out of which they could pay for them, and suggested that we should see some one connected with the public printer. I met Mr. Roberts, whom I believed to be the foreman of the bindery, and related to him the circumstances. He said he would see about it. Shortly thereafter he made inquiry as to the number of books in our possession, and subsequently saw and made a selection from them, footing up the amount we asked for such books. He then informed me that, under the law, they could not buy blank books, but had to buy paper, and he asked me to make out the bill for the gross amount of the books; that was $234. The bill read, "Fifty reams white cap paper, 18 pounds, at 26 cents per pound, $4.68 per ream," making in the aggregate $234. Subsequently that amount was paid to us by a check from the government printer. and the account was closed.

Q. How many books did you sell them? A. Somewhere between one hundred and twenty-five and two hundred demy and crown cloth-covered books, ruled faint only, and paged.
Q. Did you include in this charge paper, books, binding, and all else connected? A. Yes.
Q. In this bill of $234, did you furnish any white cap paper? A. None whatever.

CLAPP CONTRADICTED BY HIS OWN EMPLOYEES.

J. H. Roberts, foreman of binding, through whom the blank books were purchased, fixes the responsibility upon the Congressional printer, where it properly belongs, although the printer feigns utter ignorance of the whole transaction.

Question. Did you ever make a purchase of Philp & Solomons of books, and have them make out a bill for the same as paper? Answer. Yes, sir.
Q. Was Mr. Clapp conversant with that transaction in its various stages? A. I cannot say that I presume I reported to him when I came back.

Roberts corroborates this testimony, but fixes the blame on Clapp.

Clapp retained, in violation of law, some $60,000 belonging to the government. He swore that all this money was in the safe at the office. The clerk of the investigation went there, however, and found only $16,257.99 in the safe. Although Clapp swore the money was nowhere on deposit, and that he had no deposit in any bank in the city, the cashier of the Metropolis Savings Bank testified that he had at that very time deposited in their institution $12,000, drawing interest at five per cent. per annum. The cashier of the Second National Bank also swore that Clapp had deposited there $8,000, and that his deposits ranged from $15,000 to $16,000. On these deposits interest was allowed.

WHAT THE ACCOUNTANT FOUND.

Mr. C. E. Behle, a very skilled accountant, who spent days in trying to sift and digest the accounts of the Public Printing Office kept by Mr. Clapp, gave testimony as follows:

Question. Do the amounts stated in the reports as realized from sales of waste, etc.), agree with the book entries? Answer. They do not.
Q. Should, or should not, the books sustain the reports? A. By all means, the books should corroborate the statements of the reports.
Q. From your examination, state the amounts deposited from October 1, 1875, to March 10, 1876? A. There are two deposits on October 12 of $9,137.38; and on November 12, $10,889.93.
Q. What balance, then, would this show to be on hand on the 10th of March? A. The amount realized from October 1, 1875. to February 18, 1876, as shown by loose sheets accompanying summary cash-book, was $12,580.50; with the balance on hand not deposited on September 30, $63,828.88, and the balance as shown by cash-book from H. H. Clapp, from October 4, 1875, to March 10, 1876, $3,850.66, or total receipts amounting to $80,260.04, would show, after the deduction of the two deposits, a balance on hand March 10, 1876, amounting to $60,232.73.

This amounted, under the statutes, to embezzlement on the part of Clapp.

ONE MORE INSTANCE OF OVERCHARGES.

The various departments of the government use millions of blank vouchers during the year. There has been no change in the form of these blanks for the last ten years. The forms on which they are printed are stereotyped, yet no matter how frequently they are ordered, full composition (setting type) is charged on each order, though not a single letter had been changed. The work for the departments amount to about nine hundred thousand dollars a year. Many of these blanks are small, and frequently thirty-two of them can be printed at one impression, yet the Congressional printer charges an impression for each blank. This system of overcharges on press-work is admirably illustrated by the chairman of the Printing Committee of the House, Mr. Vance, who, when the legislation proposed by his committee was under discussion in the House, spoke as follows:

THE OVERCHARGES ILLUSTRATED.

I next come to the question of overcharges. The overcharges referred to in the contract system have prevailed here; the same system of "doubling up," of charging for work that has not been done.

This paper which I hold in my hand is what is termed a form of sixteen pages. These sixteen pages are made up in type, locked up in what is termed a chase, and put upon a press. The paper is put in and run through the press and comes out with sixteen pages printed on it.

> Now, the complaint that was made heretofore in discussing the wrongs practiced under the contract system was, that the contractor would print these sixteen pages—would tear them apart and charge sixteen times for the work. But what do we find in reference to the work of the Congressional Printing Office? We find this identical system carried out there, and it has been carried out there through all the books that I have examined.
>
> But now I am speaking upon the present charges. Look at this. Here is a form of sixteen pages. If these forms were made up of single-sheet reports there would be sixteen printed at once. Here are sixteen cut apart. Now the Congressional Printer prints off these forms of sixteen pages each. He tears them into sixteen pieces. He makes sixteen separate and distinct jobs of nineteen hundred copies each. And what does he charge? Not one press work, but sixteen press-works. What is the result? He makes an overcharge of about $85 for press-work alone upon each and every form of that sort that he puts through his press. An examination of the books of the Congressional Printer shows that full press-work is charged upon each and every job of work, whether put through the press singly or combined with other jobs.
>
> Then there are overcharges made in composition. We find by further examination of the Congressional Printing Office that a great many jobs are stereotyped there—hundreds of them—and that all that is necessary to do when an order comes from a department is to print it. We find that in almost every such case full composition is charged, when all he has to do is to take one of these out, lock it up in a chase and put it on a press, and charge every time the job is ordered. The books show that these charges have been made; that it is a rule to so charge.

During the session of Congress, these one and two-page documents Mr. Vance speaks of, will vary from sixteen to one hundred and fifty a day; yet there is no single instance where on his books Mr. Clapp has not overcharged for them.

THE OBJECT OF UNDERCHARGES.

It was found by the investigation that two classes of work were systematically undercharged by Mr. Clapp; one of these was the Congressional Record and another was the work of the Supreme Court. The Congressional Record, it will be remembered, was taken from the private establishment of the Rives Brothers, and the Supreme Court work was also taken from other private parties in the City of Washington. For forty years the *Congressional Globe* had been printed by the Riveses, and always to the satisfaction of Congress.

An examination of the books of the Congressional Printer showed that the cost of the *Congressional Record* had been underestimated; in other words, was reported to have cost forty thousand dollars less per Congress than the white paper, type-setting, press-work and other labor incident to the performance of the work actually cost. The object of this undercharge was to make Congress believe that all the work done at the government establishment was done in the same reasonable manner. He was enabled to do this by using the surplus of money accumulated from overcharges on other work to defray the cost of printing the *Record* which was not reported.

THE PRESIDENT VINDICATES CLAPP AND THE SENATE CONCURS.

Yet, notwithstanding all the facts, which proved beyond a doubt that a system of corruption existed in the management of the Goverment Printing Office, and that frauds and overcharges against the government were regularly practiced, the President renominated Mr. Clapp, who had just been legislated out of office by the House insisting that the public printer should no longer be nominally an officer of the Senate. The new office was created, and the incumbent is hereafter to be known as the Public Printer. To this Mr. Clapp was appointed by the President; the nomination was referred to the Senate Committee on Printing, and Senators Anthony and Sherman reported it back, with a recommendation that Mr. Clapp be confirmed. The Democratic Senators protested in Executive session against it, yet Mr. Clapp was by a unanimous vote of the Republican Senators confirmed.

PUBLIC BUILDING FRAUDS.

Under Grant's administration the Ring of Republican politicians who formed the "Kitchen" Cabinet discovered that a gold mine, yet undeveloped, lay in the construction of public buildings. The total cost of public buildings, from 1779 down to 1860 were $28,640,170.38. In 1866 the pipes were laid, and in 1868 the carnival began. The total expenditures for public buildings from 1860 to 1876 were $51,174,978.05. Nearly all this vast sum was expended under Grant's administration. Of the grand total of $79,805,148.15 expended for public buildings since the creation of the government, $28,640,170.38 were expended in the seventy-one years previous to 1860, and $51,164,978.05 during fifteen years of Republican extravagance and misrule.

The Republican party has had a continuous tendency to create new offices, bureaus and divisions, to provide places for the politicians who were demanding rewards for political service. In this manner the Supervising Architect's office, in the Treasury Department, which was not created by law, has grown to be one of the most important divisions of the civil administration. From a petty officer, who had control of the Treasury building extension only, the Supervising Architect has become the head of a bureau.

Government agents are appointed to superintend the work of construction. The contractors are friends of the administration, and their employees are expected to vote the Republican ticket. It is a notorious fact that the workmen in the granite quarries in Maine, whose work is virtually controlled by the Supervising Architect, have for many years been under political duress, and that a refusal to vote the Republican ticket meant prompt dismissal.

The accounts for fuel, gas and water for public buildings pass through the Supervising Architect's office. When Mr. Bristow became Secretary of the Treasury, he attempted some reform in this direction, but his efforts to check abuses being offensive to Grant, he was compelled to resign.

JOBBERY IN THE SUPERVISING ARCHITECT'S OFFICE.

During the fiscal year 1872–3 there were twenty-one public buildings in course of construction, appropriations for which aggregated $10,052,053. There were no contracts awarded for the construction of the buildings in gross sums, but the Supervising Architect awarded different contracts for various kinds of work on the same buildings. On the total cost of the work the contractors received a profit of fifteen per cent., or $1,500,000.

THE NEW YORK POST-OFFICE.

The construction of this great and necessary public building in New York was managed in the interests of a Ring of contractors and politicians. The site for the building and the plans for its construction were prepared by a commission of eminent gentlemen in New York, acting under a resolution of Congress. They estimated the cost of a larger building than the one now completed, making a liberal allowance for contingencies, at $3,542,930. These plans were objected to by the Supervising Architect. The Committee on Post-offices and Post Roads, however, adopted the commission's plans. The Supervising Architect, through the influence of the White House, *threw the commission's plans aside.* The present building occupies 10,000 square feet *less* than the one originally planned by the commission. The work dragged along from year to year, until the citizens of New York began to despair of living to see the new post-office completed. When it was completed, the total cost was found to be $7,454,831.68, or *nearly* $4,000,000 *more than the estimated cost of the larger building under the plans of the commission.* The building was constructed in the most extravagant manner. Contracts for the granite, of which the building is composed, were awarded without competitive bidding. A contract was made with the Dix Island Granite Company to furnish stone for sixty-five cents per cubic foot for all stones whose quarry dimensions did not exceed twenty cubic feet, and one cent additional for every cubic foot in excess of twenty; and, in addition, fifteen per cent. on the total cost. The contractors made fortunes. The masonry work was performed by day work, under the inspection of a crowd of superintendents, who received from $6 to $16 per day each.

THE BOSTON POST-OFFICE.

This public work was constructed upon the same principle as the New York post-office. Although the former building did not cost so much as the latter, the jobbery in its construction was more apparent. The site for the Boston post-office was purchased in March, 1868, for $453,000. The city government expended half a million dollars in providing suitable approaches to the site. Merchants of Boston employed an architect of ability and experience to prepare drawings for the superstructure of the building. Those plans did not please the Supervising Architect, who *rejected them without even consulting the Secretary of the Treasury.*

The sum of $200,000 was expended in laying the foundation. The cost of the building was estimated at $2,598,967.60. Subsequently an extension to the building was authorized and the cost was run up in round numbers a million more than the original estimate.

The frauds in supplying stone and other materials for the Boston post-office were equally as glaring as those in connection with the building in New York.

The interests of the government were entirely unprotected. Incompetent men were employed, mainly because of their political influence.

BOSS SHEPHERD'S CONTRACTS.

Boss Shepherd, who had a finger in every job where money was to be made, came in for his share of the plunder at this time. He was the owner of two patents. One was the Vaux patent roofing and the other a patent anti-freezing pipe used in plumbing work. Shepherd made it his business to secure the fat contracts for plumbing and roofing the public buildings then in process of construction.

His workmen traveled from Washington about the country, their expenses being paid by the government. Material purporting to be shipped from Washington was charged to the government at profitable prices, and thus Shepherd was paid 15 per cent. on the total cost, and 10 per cent. royalty for the use of his patents. The old public buildings were stripped of their gas fixtures and supplied with new ones purchased from the Tucker Bronze Company, in which Shepherd was the principal stockholder.

FRAUDS IN THE PENSION OFFICE.

The administration of the Pension service of the United States for the past ten years has been a disgrace to the country, and an outrage upon the brave men for whose reward the service was established. The representatives of a grateful people, then struggling in the throes of civil war, promised the heroes who marched forth to battle that in the event of their disability from wounds or death, the government would, in the former case, render them assistance, and in the latter event, care for their widows and children. This promise implied prompt and liberal treatment of these most honorable wards of the nation. How those pledges have been fulfilled none are so well qualified to tell as the men, impoverished and disabled, who have been knocking at the doors of the pension offices for the last decade, vainly striving to have justice done them.

For the first few years the work of the pension office was well done. At that time the exigencies of the Republican party were not such as to demand the conversion of the pension service into a political machine. The service was managed for the benefit of those whom it was intended by the people to reward. In the year 1866, with a clerical force of 175, over 50,000 original pensions were granted by the Pension Bureau.

CONVERSION OF THE PENSION OFFICE INTO A POLITICAL ORGANIZATION.

In 1875 the Pension Office was called to the assistance of the Republican party. In that year there was an average clerical force of 420, and only about 12,800 original cases were considered and granted. The object of the administration was to give as many politicians places as possible, and to so retard the work as to keep these political hacks in steady employment. Between the 4th of March, 1875, and the 6th of February, 1876, 128 employees were discharged to make room for 98 new men. From the 4th of March, 1875, down to the present time, four different Commissioners have been in office. The present Commissioner, Mr. Bentley, has been in office since 1876. There has been trouble in the operations of the office ever since. Attorneys and claim agents, who do by far the greater part of the pension business of the country, have not been given facilities for the speedy transaction of their work. Individual applicants complain of the treatment they have received in presenting their claims to the bureau, and members of Congress have been harassed in securing information for their constituents. Since March 4th, 1877, Democratic Congresses have voted $117,493,000 for the payment of pensions; of this sum $25,500,000 has been voted to pay arrears of pensions. In 1876 employees of the Republican Congressional Committee were borne on the rolls of the Pension Bureau, but did no work there.

AN INVESTIGATION OF THE PENSION BUREAU.

At the last session of Congress the abuses in the Pension Bureau had increased to such an unusual degree, complaints of delays in the settlement of pensions were so frequent and universal, that the House determined to take official cognizance of the matter. On the 12th of January, 1880, Mr. Harmer, Republican, introduced the following preamble and resolution in the House:

> Whereas, it is a matter of public record that soldier's claims for pension to the number of two hundred thousand are now pending in the Pension Office and unsettled; and whereas, it is alleged that bounty and back pay, due under existing law to soldiers who have served in the armies of the United States, are due and unpaid; therefore,
>
> *Resolved by the House of Representatives of the United States of America*, That a committee of seven members of this House be appointed by the Speaker, whose duty it shall be to examine and inquire into the method and manner of the payment of pensions, arrears of pensions, bounty, and back pay, and to ascertain whether any irregularities exist in the payment of the same; and the said committee shall have further power to investigate any subject of complaint that may be lodged with them concerning the payment, rejection, or suspension of pensions, bounty, and back pay; to examine witnesses, to send for persons and papers, to employ a clerk, and to report the result of said investigation to this House, with a view to the enactment of such additional legislation as may correct existing defects and as may be deemed necessary to protect the pensioners and soldiers of the government in their rights.
>
> *And be it further Resolved*, That the expenses of the said committee shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the said committee.

The resolution was promptly adopted, and the Speaker appointed A. H. Coffroth of Pennsylvania, George W. Geddes of Ohio, W. R. Myers of Indiana, Benton McMillin of Tennessee, A. C. Harmer of Pennsylvania, Lucien B. Caswell of Wisconsin, J. R. Thomas of Illinois, as the committee.

The investigation made by the committee proves beyond question that the present administration of the Pension Bureau is solely responsible for the grievous delays that pensioners suffer in securing action upon their cases. The Democratic House has been most liberal in dealing with the soldiers of the late war. It has not alone given the Union soldiers increases and arrearages of pensions but it has furnished the Commissioner of Pensions with every facility for the speedy transaction of business in his bureau.

After the Arrearages Pension Act was passed Congress promptly made an addiional appropriation for an increase of clerical force. To-day the number of employees in the bureau proper is 590. On the 30th of June, 1879, there were 364 clerks in the office, independent of laborers, mechanics and engineers.

With a largely increased force the work of the office has steadily fallen behind. The number of applications for pensions has, it is true, largely increased, but the Commissioner has so organized the work of the office that there are duplications and delays innumerable.

The investigating committee had no opportunity to make a report at the last session of Congress, and a large portion of the evidence taken has not yet been printed. Mr. Bentley, the Commissioner, first appeared before the committee and made a long statement about the work of his office. The main purpose of his testimony seemed to be to show what a large increase of cases there had been since 1877, and to impress the committee with the idea that there was no possible method by which the business of the office could be quickened. According to a table prepared by the Commissioner, there have been filed and allowed from 1862 to January 31, 1880, excluding claims for increase, arrears and bounty claims, pension claims as follows: Applications filed: Invalids and widows, 608,511; navy, invalids and widows, 9,918; war of 1812, 73,342.

Of the total of 608,511 applications filed from the army, 347,127 were allowed. Of the total of 9,918 navy applications filed, 5,796 were allowed, and of the 73,342 applications from survivors and their relatives of the war of 1812, 53,974 were allowed.

BEFORE THE PENSION BUREAU BECAME A POLITICAL MACHINE.

For the purpose of comparing the work done in the bureau, when there were no political influences at work, with the administration of the office at the present time, the class of pensioners known as invalids have been selected. In 1866, 22,645 invalid claims were allowed. There were then 175 clerks in the bureau. There are now 590 employees in the office, and from June 30, 1879, to February 1, 1880, three-fourths of the fiscal year, only 3,332 invalid claims had been allowed. The number of applications filed during that time for invalid pensions was 50,938, while the total number of such applications filed in 1866 was 35,799. In 1866 the bureau did not possess the facilities for quick transaction of business that it now does.

SINCE IT BECAME A POLITICAL MACHINE.

Since 1875 the work of the Pension Office has been constantly falling behind. In June, 1875, according to the testimony of Mr. Bentley, the pending claims were 73,795 ; on June 30, 1876, 88,973 ; June 30, 1877, 91,444 ; June 30, 1878, 120,387 ; June 30, 1879, 184,709. This included 48,064 claims for arrears from old pensioners. On the 1st of February, 1880, there was an aggregate of 269,178 claims pending. Mr. Bentley said that 64,000 of these claims were in the rejected files, and of that number 25,000 were dead cases. The rejected cases, with the exception of 25,000, however, are yet alive, and can be reopened, so they properly belong in the class of pending cases. During all the time that these cases were accumulating, Congress was increasing the clerical force of the office. Instead of devoting this force to the pension work proper, Mr. Bentley was inventing a new system for doing the work. Hundreds of thousands of names had to be copied, lists revised, etc., and the work was not finished until the end of the last fiscal year. He made nine divisions for work, and employed nine chiefs of divisions, and did away with some of the old time distinctions. These chiefs of divisions have from twenty to fifty men underneath them. Although Mr. Bentley has a high opinion of his new system, the practical results of its operations do not seem to be successful.

The following extract from Mr. Bentley's examination will show the length of time necessary to obtain a pension :

Mr. Harmer : Is it not very exceptional for cases to be reached within a year from the date of application ? A. There are a great many more cases pending longer than a year than there are cases settled within a year from the date of application. There are many cases pending six or seven years.

Mr. Harmer : So few cases have come under my notice that have been settled within one year or even within two years from the date of application, that I am led to make these inquiries.

Mr. Thomas : And yet there are cases that have been settled in much less time. I have knowledge of one that has been settled within four months from the date of application. A. That is certainly exceptional.

FAVORITISM IN THE PENSION OFFICE.

It is charged that gross favoritism has been shown certain pensioners of influence, and members of Congress who are especial friends of the Commissioner.

One instance of this kind in particular was brought to light in the testimony of Charles King, Esq., an attorney of this city. William P. Copeland, a Washington lobbyist, applied for arrearages of pensions. Mr. King testified in relation to his case as follows :

When Mr. Copeland made his affidavit, he said he thought himself entitled to a pension, and described his disability ; and after he described it, I told him I thought he was entitled to a pension of from $2 to $4 a month. I asked him the effect that it had upon his capacity for business. He said it had obliged him to abandon his business, and he had taken up the business of journalism. "And," said he, "I would like to get that pension immediately, for I am going to California to represent several newspapers, and I wish there was some way to hurry it through so that I might get the money to use." I told him we had refused for several years to go to the Pension Office to ask any favor in any case, but that if any public man would go for him, to represent his interests, or if he would himself go to the commissioner and represent the urgency of his case, perhaps the commissioner would do something for him. He said he would try it. We made out his application, and he took it up. He called on us a day or two or perhaps a week. afterwards, and said that the

> arrangement was all made, and the case would be made "special." We filed that application on the 10th of July, 1879, and in just seventy-five days from that time the pension was allowed to him, and he drew nearly $400. He was a man in no distress whatever for the money, but it was a matter of convenience for him, and he said that he would be very much obliged to us if we would put him in the way of hastening it.
>
> Mr. Geddes: So far as you know, what were the influences brought to bear to bring about that speedy allowance?
>
> The witness: I do not know; only it was suggested to him by me that, being a newspaper man, it was probable that he would have considerable influence in that office. Said I, "I see no other way."
>
> The Chairman: Why should he have special influence because he was a newspaper man?
>
> The witness: I have noticed for several years back a great deal of what I call trash and stuff, eulogizing the Pension Office and its management, and every little while there would be a flaming statement that Commissioner Bentley had discovered frauds here and there; that Commissioner Bentley had ascertained that the claim agents were doing this, that, and the other thing; a constant tissue of this sort of twaddle has been going out from here for at least three years.
>
> Mr. Geddes: When you made that suggestion, did Copeland say he would use the means you suggested, or did he tell you afterwards that he had done so?
>
> The witness: He said he would act upon the suggestion, and subsequently told me that he had acted upon it, and that the matter was all right, and that he would soon get his pension.
>
> The Chairman: Do you know whether he wrote any flaming articles, such as you described?
>
> The witness: I do not know who does write that literary trash, and never have known.

Other cases where favoritism had been shown were brought to the attention of the committee.

THE EX PARTE INVESTIGATION SYSTEM.

One of the most glaring evils of the present pension system is the practice of employing spies or special agents to investigate pension cases after allowances have been made. The wrong is not in making the investigations, but in the manner of conducting them. Certain clerks are detailed by the commissioner of pensions to investigate suspicious cases. Sometimes the enemy of a pensioner writes to the bureau that the said pensioner obtained his pension by fraud. The spy of the bureau goes to the informer secretly, and obtains from him all the hearsay information he possesses. The spy is then directed to other enemies of the unsuspecting pensioner, who in turn give him their suspicions. The object of the investigation knows nothing of the inquiry in progress. He is not allowed to appear in his own defense. The spy measures his success in the business by the number of fraudulent pensioners he discovers, and the consequence is that he reports every man guilty until he is proven innocent. The first information the pensioner has of the occurrence is notification that his name has been dropped from the pension rolls. If he is able immediately to establish his innocence two or three years may elapse before he can get his name upon the rolls again.

George M. Van Buren, ex-pension agent in New York City, in his testimony said:

> The special agents are as a class a low order of spies. They feel that the more cases they can report, the better their standing with the department, and they become spies, informers, tricksters, persecutors and prosecutors. Generally they look only to find those who will report against the claimant and get the credit of stopping the pension. One of the worst of these examples was found in Western North Carolina, where a special agent was sent who filled out such affidavits as he wanted and then hunted up witnesses to make them, often reading only a part of the affidavit (I wish this statement to be taken as made, not of my own knowledge, but upon information). In this case a whole host of pensions was stopped, and the department, finding they could not stand the odium of such a man, discharged him, giving as a reason that he charged in his vouchers $3 per day paid for the use of a horse, when in fact he paid but fifty cents. Another agent was sent after him and reported these facts as I have stated to the Pension Office, but, strange as it may seem, these pensioners are still suspended."

Mr. Bentley does not approve of the monstrous *ex parte* law enacted by the Republican administration. He alluded to it before the committee as follows:

> This system is conducted now on a somewhat different basis from that on which it was started. Originally the system was that an agent went out, took a case, and played the part of a detective. That was his business. He made his reputation by trying how many pensioners' heads he could cut off. He did not report evidence. He simply reported what results he found. He wrote down that such and such was the case and sent it in, and on that report the pensioners were dropped from the rolls. In later years it was changed, so that all the evidence was required to be taken by affidavit and sent into the office. That is the system now. There is another thing. Without condemning myself or any of my predecessors as being politicians, or using these officers for political purposes, I desire to call attention to the fact that the system is peculiarly open to that abuse. I might go on and name many other grounds upon which such a system is peculiarly open to

abuse. * * * * * * * * * * * * *
I have known cases where they went so far after they had been detailed as to be caught in some political engineering, but I believe none of those men went out a second time.

Mr. Geddes: On demanding money for a favorable report?

Mr. Bentley: Well, I hear many allegations made against agents. I have a case now in my mind where very serious allegations are made against an agent whom I have believed to be one of my best and most efficient men. Whether the allegations are true or false I do not know, but I mean to find out. I have no knowledge of charges of bribery.

Mr Harmer: I have now on my files a number of cases in which great injustice has been done, to which I shall call the commissioner's attention at a proper time.

DROPPING PENSIONERS FROM ROLLS WITHOUT NOTICE.

Commissioner Bentley has plainly violated one provision of the statutes in his management of the Pension Office. He has dropped men from the pension rolls without giving notice to the pensioner and without hearing sworn testimony. The chairman of the committee, prior to the investigation, held a consultation with the commissioner, and pointed out to him wherein he thought he was exceeding his powers. The following testimony was taken upon this point:

Q. Then under the present rule, adopted since the conversation with the chairman of this committee to which you have referred, there are no cases in which parties have been dropped from the rolls without notice? A. Yes, there are some. There are all these cases that are included within the provisions of section 4719; but no names are now dropped from the rolls, in cases where the Pension Bureau takes aggressive steps to drop them, without giving notice to the claimant; and except in cases that were dropped on the certificate of an examining surgeon, there have been no such instances for several years.

The Chairman: I will state the position which I took in my consultation with you with reference to that section of the statute. It was, that where you had notice that a certain party was drawing a pension who was not entitled to it, you were obliged to have a sworn statement of the facts alleged before an examination could be ordered, and that the statement or statements would have to be under oath, all except the certificate of the surgeon, he being by law presumed to be acting under oath.

Mr. Bentley: If you state that as your interpretation of my power and my duty under the law, I must beg leave respectfully to disagree with you, because I don't think you are correct. I think that I may order any invalid pensioner on the roll to go and be examined, without having any allegations against him at all.

The Chairman: Yes, but I do not refer to cases of that kind. I mean cases where the order for the examination results from allegations or charges made by somebody, and what I contend is that those allegations or charges must be under oath.

Mr. Bentley: I do not agree with you in that. I think that I may or may not require the preliminary statement to be under oath, as I please. The mere ordering of an examination is one thing; the taking of aggressive steps after the examination has been made is quite a different thing. I do not think it is necessary under the law that preliminary statements made to me shall be under oath.

The Chairman: But how do you get around the provision of the statute that "in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony."

Mr. Bentley: I do not withdraw or reduce until *after* the examination—never before.

The Chairman: Then the act of Congress is made void by your interpretation, because *I* could write a letter stating that a man was not entitled to a pension, and, upon that statement, you could order him to be examined.

Mr. Bentley: I *could*, but perhaps I would not.

ABUSES IN THE PENSION OFFICE.

Nathan W. Fitzgerald, formerly general clerk of the Pension Office in Indianapolis, and at present claim agent in Washington, gave the committee the benefit of his experience in the Pension Office. Mr. Fitzgerald and indeed every witness examined by the committee were Republicans. No political bias can be attributed to his testimony. He had 25,000 pension claims pending in his office at the time. He said:

For the last two or two and a half years I have noticed a very considerable increase of the delay in adjusting claims beyond what occurred prior to that time. About two years ago, I believe, the commissioner notified Congress that he did not require any more clerical assistance at that time, so that I suppose the delay has arisen not from the lack of clerical force, but because of the Commissioner's desire to institute another line of examination and procedure in the matter of pension cases.

By Mr. Geddes: Q. From your own personal knowledge, to what do you attribute the delays in the Pension Bureau? A. I attribute the delay at present to a lack of clerical force and to the want of a proper organization of the office. From my knowledge of the mode in which the business has been conducted, I do not believe that the office is properly organized; I do not think it is organized, for instance, on the basis on which a private individual would conduct a business of that kind so as to get the most out of it and to obtain the greatest amount of labor for the number of persons employed; I think there is a very great fault in the organization of the Pension Office in that respect.

Q. Do you know of any changes that have been made by the Commissioner which have corrected that condition of affairs? A. I do not. With the permission of the committee I will state a matter which will show you the want of system in that office. Within the last four or five months I have received duplicate, sometimes triplicate, and sometimes quadruplicate letters from the Pension Office containing the very same matter exactly. For instance, I file a claim for a pension; shortly afterwards I receive notice from the office that the claim has been received and placed on the files and given a certain number; then in the course of two or three weeks along comes another letter giving the same notice exactly; that causes me to set my clerks at work to search my files for the case, and then I discover that I have already one such notice on file and that this is a duplicate. Such cases have often occurred, and even triplicate notices are quite frequent.

Q. To what do you attribute these repeated communications containing the same substance? A. It seems to me that if I conducted my business in that way it would indicate a lack of management; if I managed my business in such a way as to have my clerks do the same work over again two or three times, I should think there was a waste of material and a lack of system.

Q. Do those notices in every case come from the same branch of the office? A. Yes, sir; from the same branch.

THE INTERMINABLE DELAYS.

Mr. Fitzgerald testified that generally six months or a year elapsed after evidence is filed in a given case before any answer or communication is received in reply from the Pension Office.

Q. Can you state whether, in his rulings upon the law and the evidence, the commissioner is liberal toward the applicant and the pensioner, or whether he rules always against them? A. I know that in my practice in every case to which I have given my personal attention rejections are made on technicalities of cases which a liberal ruling—that is, a just and equitable ruling—would pass. I have had a great many cases rejected where the office seemed to be sorry for its action afterwards, because they have often taken up such cases and allowed them afterwards without my calling them up again at all.

The witness then explained the difficulties under which pensioners suffer in securing their claims, through the severity of the Pension Office. Circumstances frequently occur to prevent a claimant from obtaining proof of treatment in the service for a wound or disease, owing to death or absence of the surgeon, although the claimant's old comrades and officers testify that the man was wounded or diseased, he seldom has the good fortune to secure a pension. In the witnesses' practice the number of cases at first rejected by the Pension Bureau, and afterwards granted without request, is so large that he does not remove rejected cases from the files of his office; expecting, like Micawber, that one day or another something will turn up. The average time for settlement of his claims exceeds two years. The testimony of Mr. Fitzgerald on the subject of dropping pensioners from the rolls without notification contrasts severely with the testimony of the Commissioner on that point.

Mr. Harmer: Q. Do I understand you to say that a number of your clients who had been placed on the pension roll have been dropped on the report of special agents? A. Yes, sir, some of them; I cannot tell just how many.

Q. In how many of those cases were the pensioners notified and given an opportunity to file testimony in their defense? A. I do not know of any such case.

FALSE RATING OF DISABILITY.

One of the greatest abuses in the pension system is the way in which pensioners are rated according to the extent of their disability. A sample is as follows: Henry A. Smith, pension $4 per month from June 15, 1864, to June 6, 1866; $8 per month from June, 1866, to January, 1879, and $18 per month from January, 1879, on. The pensioner's disability was the same from 1864 to the present time. Mr. Fitzgerald submitted thirty-two glaring cases of this unjust and inexcusable rating of certain favored pensioners! Another abuse complained of is the authority exercised by the Commissioner to change ratings. If Brown comes before a board of surgeons in New York, is examined and rated by the board to receive a pension of $8 per month, the Commissioner, on the authority of the medical referee in Washington, who knows nothing of the case, can rate the man $4 per month. These instances are of frequent occurrence. Ex-Pension Agent Van Buren, in his testimony on this point, says:

NO LAW OR JUSTICE FOR IT.

The surgeons—old army surgeons, three of them—examine a man, and they give him a three-fourths or total pension, and, upon review, the Pension Office issues him a certificate for a one-fourth or one-half pension, virtually stealing the balance. There is no more law, justice or authority for this than for the President approving a bill for $25,000 after its passage for $100,000, and the committee should draw articles of impeachment at once in the case. No monarch could exercise more complete sway than the Commissioner of Pensions. The entire weal or woe of these thousands of poor pensioners rests upon his mere *ipse dixit*. I submit that the law gives the President a right to approve or to disapprove a bill, and the Commissioner to approve or to disapprove of a rating of a board of surgeons; but right here comes in the devilishness of the scheme; while he does neither approve nor disapprove, he stabs in the dark. (I do not mean personally, but I mean that the department takes the man entirely in the dark.) He throws aside the rating of the surgeon, and his medical referee, who never saw the applicant, gives him his own rating, and the certificate is issued giving a pensioner a pension of $2 a month when he feels that he should receive $8 per month, and he knows he is unjustly dealt by; that a species of lynch-law has been enacted towards him, but can't tell where, and hence no appeal, and he curses the government he strove so earnestly to save. Do you ask how I know this? I say I have seen and heard boards of surgeons give these ratings, and then have seen the certificates come back at these lesser rates.

AN EXPERT'S TESTIMONY.

Mr. Van Buren is familiar with all the workings of the Pension Office. He says that he believes the whole struggle in the Pension Bureau is to find work for the clerks, and not allow pensions. He says:

Now, in my opinion it is very slow work for an office where there are five or six hundred clerks to issue only 3,360 pension original invalid claims in seven months, although the arrears might have interfered. From the 13th of January to the 26th of February there were only 900 original pension claims of invalids issued; not, in my opinion, because they could not be issued, but because the commissioner dare not issue them.

Q. Why dare he not issue them? A. Because he has no money to pay them.

Q. Has Congress refused to give appropriations for the payment of pensions? A. The Commissioner of Pensions, a year ago or thereabouts, when Congress asked him if he needed any more clerical force, replied that he did not; and I think he did.

Q. That is not an answer to my question. I ask you if Congress has ever refused to make appropriations for the payment of pensions? A. I do not think so.

PRESIDENTIAL POLITICS IN THE PENSION BUREAU.

Q. Then why dare not the Commissioner issue these pensions, and why would he not have the money? A. He does not ask for it. In my opinion—that is, a political opinion.

By Mr. Geddes: Q. But why would the Commissioner feel a personal or official interest in keeping back cases; simply because of the amount of money that would be required to pay them if allowed? A. Because I do not think the Treasury Department wishes that that should be the case. I think that Mr. Sherman does not want to have so many million dollars turned out of the treasury; and in my opinion that is the difficulty and the reason why this money is not called for. But I believe that if called to the notice of the President they would be paid, as he was a soldier and is in sympathy with them. Now it takes thirty and odd million dollars to pay the regular pensions for the next year, the cases now on the roll; and for every one thousand pensioners that are put on the roll the first payment alone will take a million dollars, so that if 20,000 are put on the roll, next year it will take $20,000,000 to make the first payment in addition to the thirty or thirty-three million dollars required to pay these regular pensioners; it will take a million dollars for every one thousand cases that he puts upon the roll, and if he issues 40,000 cases it will take $40,000,000 to pay them, and Mr. Sherman will not be able to report what he would like to report until after the next campaign.

Q. What he would like to report is a decrease in the public debt, I suppose? A. And so forth. I will say that I am a radical Republican and do not want to interfere with the party in any way. I am a Grant man, and have always been so. I have the figures here by which I can give you the number of invalid pensions that have been issued up to certain dates. On the 14th of June last there were 160,771; on the 15th of January, seven months and a day later, 164,130; on the 26th of February, 165,038; on the 19th of March, 165,673; from February 28th to March 19th there were a little over 600 cases.

Q. Have you in your mind any other reason why the Commissioner in his official or his personal capacity would be biased toward withholding the allowance of cases?

* * * * * * * * * * * * * * *

The witness: Well; I believe that the whole system for the last couple of years has been aiming toward centralization, the one-man power, if you choose to say it, in the Pension Office; I believe the rulings in the action of the Pension Office have been made so that the Commissioner could have the entire control and management of the pensioners throughout the country in his own hands.

Q. Do you know any other reason or motive for these delays which you say occur in the settlement of pension claims? A. I think the Commissioner of Pensions or the Bureau should act as a judge in these cases. The practice, for the last few years particularly, has been for him to act as a prosecuting attorney and as a strong defendant in these cases, seeking not to do justice to the pensioner, but to defeat every claim by any possible means. That has been the practice in my opinion.

ONE SPECIAL CASE—A SAMPLE ONE.

Mr. Van Buren knew one case of favoritism exercised by the Commissioner at the expense of some poor soldier.

Q. Do you know of any cases made special unless the claimant was sick or greatly impoverished? A. General Graham, Surveyor of the Port of New York, whom I met in the Pension Office drawing a good many hundreds of dollars, told me that his case had been made special, and I think he said that within six weeks he got his pension. I know that he asked me about it, and he had made the claim for a pension only a very short time before.

Q. Do you know anything about his condition or his embarrassments? A. He is getting $6,000 or $8,000 a year as Surveyor of the Port of New York.

Q. Do you know on whose request his case was made special? A. I do not.

Q. Can you name any other case? A. I do not know that I could name any other case now; if I were in New York I think I could.

PENSION ATTORNEYS.

There are about 16,000 persons practicing before the Pension Bureau, and styling themselves "pension attorneys." A great majority of this number are claim agents. Charles King, Esq., in his testimony before the committee, swore that three-fourths of the pension business of the country is done by 100 men, and the attorneys residing in Washington have probably 100,000 of the 240,000 live cases before the bureau. According to Mr. King's estimate there are several thousand attorneys having from one to three or five cases each.

"Now," said Mr. King, "if this is even approximately true, it seems to be perfectly apparent that the Pension Office is contending with a mass of incompetency and ignorance that, to me, would be utterly appalling. If I were commissioner I should get on my knees and pray Congress to give me some relief, and I am not at all surprised at the condition in which the office is said to be by the officials who have it in charge. But my position is that the failure is in not making a proper selection of persons to do business with the office, and in my judgment the Commissioner has full power to do that under the advice of the Secretary of the Interior and the President of the United States, to both of whom he can appeal under the law."

It is an undoubted fact that the Commissioner, by allowing irresponsible persons to practice the claim business in his office, has retarded the work of the bureau, and in many instances injured the claims of applicants for pensions. Pensioners can understand how many of their claims come to be rejected by the following sample. This communication was sent to Mr. King from the Pension Office:

You are hereby informed that claim No. 225,454, of John Friend, as guardian of the minors of Elias Friend, is rejected on the ground that the disease, consumption, of which the soldier died, was not contracted in the United States service.

That notification did not inform the attorney of the precise difficulties supposed to exist in the case. He had no means of knowing whether the office had evidence that consumption existed in the man at the time of his enlistment, or whether consumption was contracted by carelessness on his part, or whether the disease originated after his discharge from the army. These points are important, as the man might be able to give an explanation which would show him to be entitled to receive a pension.

THE PENSION OFFICE DEFINITION OF LOYALTY.

Loyal people who resided in the Southern states during the war have had great difficulty in obtaining pensions and settling bounty land claims. The Union soldier who left his home to fight the battles of his country has often suffered greatly because of the severe ruling of the Department. Circulars have been issued from the Pension Office from time to time declaring that in proving loyalty, both in invalid and widows' cases, where loyalty is necessary to be proven, it must be shown whether the applicant *paid taxes to* or in any other manner aided or abetted the Confederate cause. Such a test of loyalty was never heard of. Men may be disloyal to this government and yet pay taxes to it. A Union soldier owning property in the South may have left his wife upon his farm. Unless she paid taxes her sole means of support might be taken from her. If she did pay the taxes, and her husband was killed in the Union army, she could not obtain a pension on his account.

CHIEFS OF DIVISIONS CONTRADICT THE COMMISSIONER.

The committee examined the nine chiefs of divisions in the Pension Office as to their duties. It will be remembered that the Commissioner said that he did not desire an increase of his clerical force; that such an increase would not facilitate the work of the office. Each of the chiefs of divisions swore that an increased number of clerks would assist materially in pushing forward their work. Mr. Bentley was contradicted by his own subordinates, who should have had more politeness. A number of witnesses appeared before the committee who declared that they had been dropped from the rolls without notification. Others testified that they could not obtain from the Bureau the reasons why their applications were rejected. Still others declared that they had been refused information about cases when they applied personally. The investigation showed that the office is mismanaged; that its business is not conducted for the benefit of the soldier and sailor, but to promote the political aspirations of certain Republican office-holders. In fact, the Union soldiers need only read the record evidence of this investigation to be convinced that a change of administration is needed to give them the tardy justice they have been so vainly striving to obtain under Republican rule.

FRAUDS IN THE DEPARTMENT OF JUSTICE.

WHAT IT COST THE TAXPAYERS TO SUPPLY LUXURIES FOR REPUBLICAN ATTORNEYS-GENERAL.

FREE RIDES, FREE TICKETS, FREE LITERATURE AND OTHER CONTINGENT EXPENSES OF THE DEPARTMENT OF JUSTICE.

In the good old days, before the Republican party got possession of the government, a Cabinet officer would have been shocked at the suggestion that his expenses for carriage hire, novel reading, visiting cards, trips to Long Branch, and the like, could be legally charged in his account against the United States.

In the opinion of Democratic Cabinet ministers this would have been as gross an abuse of law and decency as to charge the government with their clothing and board. The plan of assessing the government for expensive pleasure excursions, costly equipages, tapestry, carpets for private dwellings, and servants in livery, whose names were borne on the pay-rolls as messengers, was inaugurated by the Rev. James Harlan, a Republican Secretary of the Interior.

There was something in this idea of ease and luxury at the public expense that commended itself to other departments, and it has been fashionable in Republican administrations ever since, and especially so during those of Grant and Hayes.

The Attorney-General, and latterly *the Department of Justice,* have been conspicuous for abuses of this kind.

Taking the Attorney-General's office for a period commencing June, 1875, and ending the same month in 1879, and we find the following aggregate cost, year by year, for a few only of the unnecessary items of luxury purchased, and a few only of the vast number of the contingent expenses of that office.

This statement is taken from the official reports of the Attorney-General covering the period named. It should be remembered that the money so expended came out of the pockets of the taxpayers of the United States.

REPORT OF 1875.

THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage	$840 00	
Livery (3) horses	903 00	
Horseshoeing	101 00	
Medical attendance	2 00	
Carriage repairs	399 63	
Harness and repairs	178 62	
		$2,424 25
Street-car tickets	59 70	
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS	64 00	
LITERATURE	59 25	

MISCELLANEOUS.

Washing towels	$165 14	
Hack hire	4 50	
Portrait Attorney-General Ackerman	500 00	
Visiting cards	2 00	
Trip to Long Branch	138 59	
		$810 23
Summary		$3,417 43

REPORT OF 1876.

THE OFFICIAL CARRIAGE.

Driver of Department carriage	$787 11	
Livery (3) horses	912 50	
Horseshoeing	72 25	
Repairing carriages	293 79	
Harness	102 00	
New carriage	650 00	
		$2,817 65
Street-car tickets		72 07
PARTISAN NEWSPAPERS PAID FOR BY THE TAXPAYERS		73 75
LITERATURE		116 50

MISCELLANEOUS.

Two trips to Long Branch	53 29	
Re-upholstering 1 sofa and 7 chairs	100 00	
J. W. McKnight, of the Feather Dusting Legislature, ½ chamois skin	5 00	
2 pairs gloves	6 00	
2,000 visiting cards (Mrs. Taft)	12 00	
80 packs do. do. do. and printing	60 00	
Portrait Attorney-Gen. Taft	750 00	
do. Judge Clifford	456 00	
Electric bell	40 00	
One rep couch	30 00	
Washing towels	340 43	
		$1,852 72
Summary		$4,932 69

REPORT OF 1877.

THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage	$840 00	
Livery (2) horses	688 33	
Medicine	1 75	
Hire of Horse	18 00	
Purchase of new horse	300 00	
Horseshoeing	85 13	
New carriage	600 00	
New harness	103 00	
Repair of carriage	186 30	
		$2,822 51
Street-car tickets		52 10
PARTISAN NEWSPAPER SUBSCRIPTIONS PAID FOR BY THE TAXPAYERS		95 75
LITERATURE:—		
Life of Prince Consort	$2 00	
Life of Marie Antoniette	2 50	
Life of Seward	5 20	
North American Review	5 00	
British Quarterly	7 50	
		$22 20

MISCELLANEOUS.

Washing towels	$144 00	
MILK	25	
Carpets, &c	83 25	
TRIP TO LONG BRANCH	43 00	
Portrait of Attorney-General Pierrepont	1,305 00	
Frame	35 00	
CLORALUM	50	
		1,611 00
Summary		$4,603 56

REPORT OF 1878.

THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage	$940 00	
Livery (3) horses	714 15	
Horseshoeing	98 85	
Carriage repairs	221 80	
Harness and repairs	84 75	
Horse purchased	335 00	
		$2,394 55
Street-car tickets		81 23
Partisan Newspaper subscriptions paid for by the taxpayers		$102 06

MISCELLANEOUS.

Lounge	25 00	
Tapestry	226 56	
Summer trip Attorney-General to Colorado	184 65	
Summer trip Attorney-General to Long Branch	39 75	
Portrait Ex-Attorney-General Taft	750 00	
Washing towels	182 40	
		1,408 36
Summary		$3,986 13

REPORT OF 1879.

THE OFFICIAL CARRIAGE.

Salary of driver of Department carriage	$840 00	
Livery (2) horses	556 84	
Medical attendance on same	6 00	
Horse hire	51 50	
Purchase of two horses	525 00	
Horseshoeing	79 50	
New carriage	550 00	
Repairs on carriage	286 41	
Harness and repairs	185 15	
Two whips	2 00	
		3,072 40
Street car tickets		150 50
Partisan Newspaper subscriptions paid for by the taxpayers		98 35
Literature		158 25

MISCELLANEOUS.

Sweeping office	240 00	
Trips to Long Branch and New York	1,103 77	
Trips to Huntsville	92 75	
Towels	14 50	
Washing towels	203 86	
Sweet oil	1 00	
Chlorine	1 00	
Upholstering two sofas	25 00	
Feather dusters	7 00	
Electric bell	73 50	
500 VISITING CARDS	7 50	
One ream Cream Note	4 50	
One SMYRNA RUG	18 00	
One mat	10 50	
One corkscrew	25	
Two settees and chairs	111 00	
Bookcases	369 00	
		2,283 13
Summary		$5,762 63

RECAPITULATION.

YEAR.	WHEN REPORTED.	ATTORNEY-GENERAL.	AMOUNT.
1874	Reported 1875	Williams.	$3,417 43
1875	" 1876	Pierrepont.	4,932 69
1876	" 1877	Taft.	4,603 56
1877	" 1878	Devens.	3,986 13
1878	" 1879	Devens.	5,762 63

Total for five years' luxuries for the Attorney-General's office, $22,702.44.

LANDAULET WILLIAMS OUTDONE.

It will be observed that Landaulet Williams, who has been so bitterly abused on account of official extravagance in the matter of the purchase of a "department carriage," has been outdone by his successors. Pierrepont, for the same manner of luxuries expended more than did Williams out of the department contingent fund. Taft exceeded Pierrepont's expenditures in the same line, and the aristocratic Devens has run the expenditures for the same items up to $5,762.63, as against $3,417.48 expended in his last year by Williams.

This is but one of the many instances which show that Hayes' administration is tainted with the same luxurious extravagance that made Grant's a reproach to the country.

FAVORITISM IN ENFORCEMENT OF JUDGMENTS.

FAT TIMES FOR SPECIAL ASSISTANTS.

From the report of the Attorneys-General from June 30, 1874, to June 30, 1879, it appears that the total amount of judgments obtained in the Federal courts in

civil and criminal causes was	$16,516,580 33
and the total amount realized from collections	5,599,495 22
Balance uncollected	$10,917,385 11

It also appears from the same reports from June 30, 1874, to June 30, 1879, that the amount paid by the government on account of causes farmed out to special assistant attorneys was $142,249.37.

Thus it will be seen that under Republican administration even the Federal judiciary has become debauched, and judgments obtained for money due the United States from its defaulting agents have been permitted to lapse through political favoritism. It has been by such crooked practices in the courts of justice held by political judges, whose judgments have been placed in the hands of poliical strikers for execution, that during the few years referred to nearly eleven million dollars have been suffered to go uncollected, in order that political favorites, unworthy Federal officials in a large number of cases, might go scot free.

OFFICIAL INCOMPETENCY.

In the same connection it will be seen that the huge army of attorneys-general, assistant attorneys-general, *regular* assistant attorneys-general, and special assistants strewn thickly around our Federal courts all over the country, have, during four or five years past, been so terribly overworked, taking pleasure excursions, driving fast teams, reading literary works, paying and interchanging visits per card, testing electric bells, sampling $5 chamois skins, drinking milk, etc., etc., etc., all at the expense of the taxpayers of the United States, that they have been obliged to call to their assistance an army of *special* assistant attorneys-general to enable them to get along with the public business.

EXPENSES OF UNITED STATES COURTS.

ALARMING INCREASE IN THE PAST TWENTY-FIVE YEARS.

Below will be found a table making comparisons of the cost of the Federal Courts before and since 1860. From this it appears that the average cost of the Federal Judiciary in 1850 was .021 *per capita,* a little more than two cents; in 1860 was .03 *per capita,* a little more than three cents; in 1870 was .0572 *per capita,* nearly six cents. Whilst the increase in the decade from 1860 to 1870 has been at the rate exceeding 131 per cent., the increase for the decade from 1865 to 1875, has been at the rate of 104 per cent., and is constantly augmenting. Much of this extravagance is due to payments for partisan election work by partisan supervisors of election and deputy marshals. As a country increases its population to the square mile, these expenses should decrease as compared with the denser population. The reverse is the case under Radical rule. Whilst the character of the judiciary has deteriorated, its expenses have augmented:

FOR THE YEARS 1850, 1860, 1865, 1870 AND 1875.

1850	$497,558 54
1860	936,477 61
1865	1,192,272 84
1870	2,162,109 82
1875	3,332,182 27
2 years, 1850 and 1860	1,434,036 15
2 years, 1870 and 1875	5,494,292 09
1865	1,192,272 84
1875	3,332,182 27

SHERMAN'S PET BANK.

HOW IT HELPED HIM REFUND THE DEBT—A MONOPOLY OF THE FOUR PER CENT. BONDS—$115,000,000 MADE OFF THE GOVERNMENT—$5,000,000 BORROWED FROM THE BANK AND NEVER PAID BACK.

Secretary Sherman, at the conclusion of his funding operations in the fall of 1879, sent out a letter of congratulation to the people claiming that he had saved to the government millions of dollars of interest. "The great Secretary" failed, however, to state in his pronunciamento that at the very time of this wasted saving he gave away hundreds of thousands of dollars to pet banks, which could also have been saved to the people. The return to prosperity in 1879 made the government bonds a very desirable security. Sherman and Hayes, in their report to Congress, were claiming much credit for resumption and the refunding operations, which in reality they had little to do with.

The refunding of the ten-forty bonds into four per eent. is a disgraceful history.

There were $740,000,000 of the four per cent. bonds sold at par, and a half of one per cent. commission, netting the government 99½ cents. The market value of the four per cents can be put at $1.07, which would make the $740,000,000 of four per cents worth $851,800,000. But at 99½ they netted the government only $736,300,000, or a profit to the speculators of $115,500,000. The principal purchaser was the First National Bank of New York, the heir and successor of the notorious Jay Cooke, McCulloch & Co. This bank, with a capital of only half a million dollars, on the 14th of June, 1879, owed the government $128,109,071 for bonds.

In a circular issued October 7th, 1879, the bank boasted that it had sold over $400,000,000 of the $737,157,050 of four per cents issued up to that time.

It was an institution of obscure and uncertain credit at the time its present owners came into control, which, singularly enough, was of the same date as the incoming of the present administration. In so short a time it has acquired a relation with the government that the Bank of England and the Rothschilds could never accomplish with any government.

The four per cent. bonds were selling rapidly and on better terms for the government. Private and state trusts were being converted into these bonds. They were becoming inevitably a popular security, when Mr. Sherman suddenly announces that he has received subscriptions for all that he can sell; that is, that over $150,000,000 have been subscribed for, which will enable him to take up all the ten-forty (higher rate of interest bonds) that will fall due for two years. This, he said, was a saving of interest for two years. But it took time to learn what the Secretary failed to state: that he had *given his pet bank the monopoly* of these bonds. In two days they were at a premium of two per cent. Of the ten-forty called bonds the national banks had nearly $100,000,000 on deposit with the government for their security. With the call their interest stopped. Of course, the banks would desire to replace them with an interest bearing bond. The only bond to be purchased was the four per cent. bond, which the pet bank now controlled. Inside of a week this bond was raised to a premium of 106. If Mr. Baker, the cashier, refused to sell a bond at 102½, inside of an hour the government four per cents were quoted at 102¾, and so the premium was forced up. The national banks, mostly in the West, which had the ten-forties, were compelled to buy the four per cents of the First National Bank of New York. Some of the national banks held off and did not readily come to terms, saying they would rather lose the interest than be fleeced by Mr. Sherman's bank. The latter institution, by reason of this, soon found itself in a predicament. By arbitrary action it kept up the price of four per cents.

On the first of August, 1879, one of its subscriptions for forty millions fell due. Mr. Sherman was in the Maine campaign at the time. Mr. Gilfillen, Treasurer of the United States, needing some money to pay interest, made a draft upon the bank for six million dollars. The bank was not selling many bonds, and could not pay the draft. It had overreached itself. It had put the bonds at too high a premium. The bank telegraphed Mr. Sherman in Maine and Mr. Sherman telegraphed Mr. Gilfillen not to press his draft. Then Mr. Sherman hurriedly left Maine for Washington and *issued an order extending the time for payment by the bank two months.* Mr. Sherman then went to Ohio to make speeches and tell the people how well he had refunded the debt. With his first speech, however, came the publication of his transactions with the pet bank. He made a poor effort at explanation before the Cincinnati Chamber of Commerce, saying the bank did not take actual possession of the bonds until paid for, but he did not say that the bank had the coupons and up to that time had drawn *eight hundred thousand dollars' interest.*

The exposure run Mr. Sherman out of Ohio, where he had engaged himself for ten speeches. On his return to Washington he issued an order that no news was to be given to the press, except on his order, by any employee of the Treasury Department. The exposure which drove him out of Ohio had leaked from the treasury. This pet bank and its associates were then levied upon for money to help elect Foster over Ewing as Governor of Ohio.

The First National Bank finally paid for its bonds *after having them five month on credit*, and during which time it regularly drew the interest.

A LOAN ON GOOD TERMS SECURED.

This bank, as before stated, is the heir of and pretty much owned by the former Jay Cooke concern, of which John Sherman was a stockholder.

In 1877, when Mr. Hayes was anxious to get Packard, who had received more votes than he had in Louisiana, out of the gubernatorial fight, he sent a commission to accomplish his end. Below is the correspondence which shows how this same bank advanced the money. Mr. Sherman has since had the audacity to ask Congress to appropriate it, but as yet the bank must be contented with its pay in the way of profits on the bonds. Charles F. Conant was Assistant Secretary of the Treasury, and went through that open passage way between the Treasury Department and the syndicate to become the London mutual friend of the treasury and the syndicate. He is now Mr. Sherman's confidential agent abroad.

(Private and confidential.)
TREASURY DEPARTMENT, March 23, 1877.

GEORGE T. BAKER, Cashier First National Bank, N. Y.

My Dear Mr. Baker: The President has decided to send a commission, composed of men of prominence and respectability, to some of the Southern states for the purpose of healing, if possible, the present political difficulties which exist in them. It is also hoped that this course will secure to the administration and the government the moral support and aid of the persons residing in Southern localities. The only practical difficulty in the way of carrying out this grand project arises from the want of an appropriation. Your bank can remove that difficulty, and it is for the purpose of securing your aid in this matter that I address this letter to you, believing that you will cheerfully co-operate in a work which has for its aim and object the peaceful solution of grave and perplexing difficulties. The amount which will be required will probably fall between $3,000 and $5,000. What I have to suggest is this: that your bank advance the money to some person who will be appointed the disbursing agent and receive from him the vouchers, which he will take when he makes the disbursement. When Congress convenes again a deficiciency appropriation will be asked for by the Executive for the purpose indicated above, and what you shall advance will be promptly returned to you. I do not think there can be any hazard or risk in this matter, or I would not suggest it. I have thought also that you would be pleased to have the opportunity to render the aid which is so much needed for a good purpose at this time. I shall be glad to receive an early reply to this letter. With much respect, I am truly yours,

(Signed.) CHARLES F. CONANT.

The Treasury Department but Congress has not performed.

Baker's answer was as follows:

First National Bank, N. Y., March 24, 1877.

My Dear Conant: I am in receipt of your letter of yesterday in regard to making an advance of money for the expenses of the commission to be appointed by the President to visit the Southern states, and beg to say that the bank will take pleasure in extending the accommodation in the manner requested.

(Signed) Yours, truly, GEO. F. BAKER.

James D. Powers, a treasury clerk, and a stenographer, both paid by the treasury, were detailed to go with the commission.

Conant then writes:

Treasury Department,
Washington, D. C., March 29, 1877.

My Dear Mr. Baker: Enclosed I send you a copy of a letter addressed to the gentlemen composing the commission about to visit the South, from which you will see that Mr. Jas. D. Powers, of this department is to act as disbursing agent.

The committee will probably leave here Monday next, and I will thank you to transmit to Mr. Power, *in my care,* a draft in his favor for $5,000.

Truly yours,

(Signed) CHAS. F. CONANT.

The enclosure is as follows:

Treasury Department, March 28th, 1877.

Addressed to Lawrence, Harlan, Brown, Hawley and McVeigh.

Gentlemen: This will be presented to you by Mr. Jas. D. Powers, a clerk of this department, who has been detailed to accompany you on your proposed trip South, in the capacity of disbursing agent. He will also provide for your transportation and subsistence, and will make such other arrangements as may be necessary for your comfort and convenience. Mr. Power has the confidence of the department and is a trustworthy gentleman. Very respectfully,

(Signed) JOHN SHERMAN, Sec'y.

The five members of this commission in three weeks spent all of the $5,000 to a cent. John M. Harlan, according to the evidence before the Potter Committee, told General Boynton that he expected to get a place on the United States Supreme bench for his work on this commission, and so he did. He carried his son along with him, whose expenses were also paid out of the common fund.

CARL SCHURZ AND THE INDIAN BUREAU.

ENORMOUS AND WASTEFUL EXPENDITURES.

HAYT'S VILLIANY.

Senator Dawes, Republican, of Massachusetts, in a letter dated July 21st, 1880, to the Springfield, Mass., *Republican*, regarding the removal of the Ponca Indians, said :

"Some one is making up an Indian record for this administration, which it will be hard to defend by the side of the blackest that has gone before."

Mr. Schurz, about the same week, in a speech at Indianapolis said in glorification of the present administration and its reforms, that he spoke from personal knowledge when he asserted that the Indian bureau had been greatly reformed. The only act that he could point to in support of this statement was the removal of Commissioner Hayt. The record of the Board of Indian Commissioners shows that Mr. Schurz had to be prodded into doing this long-delayed act.

As was shown by the evidence taken before the Board of Indian Commissioners, Mr. Schurz had been repeatedly informed of the true character of his Commissioner of Indian affairs. While serving in such position he was arrested for destroying a savings bank, of which he was one of the directors. At the precise time of his arrest Mr. Schurz was insisting upon the suspension of a federal official in St. Louis, who was under indictment, on the ground that no federal official should be in actual service while under indictment for a crime. Yet he did not suspend Mr. Hayt, and did not remove that official until after it was conclusively proven that he had been using the Indian Bureau to steal a mine in the Far West. What Senator Dawes no doubt refers to in particular are the constant violations of faith with the Indians. The treatment of the Nez Perces, the Poncas, Bannocks and Northern Cheyennes, are but illustrative of the rule which guides Mr. Schurz in his dealings with the Indians. The Nez Perces, living a civilized life in Idaho, were the victims of the white man's encroachment. This they resisted and war followed.

Over one million dollars were expended by the government in that war. At last Joseph, after carrying on a warfare, which General Miles testifies was free from all brutality, surrendered. The terms of his surrender were that he and his people should be allowed to return to their reservation in Idaho, where his tribe had always lived. The contractors of the Indian Bureau objected. There was more money to be made by having the Indians sent to the Indian territory. The malarial climate had its natural effect upon people who had come from the invigorating and cool air of Idaho. The death rate was thirty per cent. a year. In vain they have appealed for justice, but are still kept prisoners in a country to them absolutely pestilential. The Sioux were promised a reservation near the Missouri River. They were deceived and sent into the back country. By this maneuver contractors could get more compensation for hauling the stores and provisions.

Senator Dawes from the select committee of the Senate to inquire into the removal of the Poncas reports as follows :

"In concluding that branch of the subject matter with which the committee is charged, that requires of them to inquire into the circumstances of the removal of the Poncas, the committee find that they were one of the most peaceable of all the Indian tribes, that they were dwelling upon a reservation which they had occupied ever since they were known as a tribe, under words of absolute grant from the United States, accompanied by a covenant of peaceable enjoyment during their good behavior; that without their knowledge and without compensation and without a shadow of complaint against them as a tribe, the United States included their reservation by mistake of boundaries within the limits of the reservation set apart from the Sioux; that the United States has never undertaken to compensate them in any way for this attempting to deprive them of their home; that to relieve themselves of the difficulties in which this mistake had involved the United States, they undertook to remove the Poncas from their home and provide for them elsewhere and Congress authorized their removal to the Indian Territory if they should give their free consent to such removal; that the goverment failing to obtain such free consent, removed them by force and placed them where they now are against their will, leaving their houses and all other property which they were unable to take with them and lodging them in a hot, and to them an inhospitable climate; that they have suffered greatly from the time of their removal to the present time, and have been thereby greatly diminished in numbers; that they are at the present moment discontented, discouraged, and disheartened, and are making no progress toward self-support; that this proceeding on the part of the United States was without justification, and was a great wrong to this peaceable tribe of Indians, and demands at the hands of the United States speedy and full redress."

In vain the Poncas have asked for justice at Mr. Schurz's hands, as do all these tribes. When Mr. Schurz does as he did with the Poncas, he orders one of his agents to take to Washington some of the head chiefs. Arriving in Washington they are given *carte blanche.* Thousands of dollars are spent upon them during their sojourn at the Capital. All this is for the purpose of making them forget the wrong that has been done them.

COST OF THE SYSTEM.

Mr. Schurz's management has not decreased the cost of the Indian service. The annual average is over five million dollars. The annual average under Democratic rule up to 1861 was three million dollars. A comparison of the cost of the care of the Indians in this country with those in Canada, gives an illustration of the theiving, and of the extent to which it is carried on. There are 94,324 Indians scattered over the Canadian domain. The annual cost per head is $2. Many of them have become prosperous farmers. Above all they are peaceable. By the honest operation of the Canadian system a large reserve fund has been created, the interest on which will before long maintain and make the Indians independent. The census as taken by the Indian Bureau shows 275,000 Indians in this country. It is an undisputed fact that the Indian agents exaggerate the number of Indians, so that they may get larger allowances for their care. But at their figures the cost is $24 per head, and in Canada it is done vastly better at $2 a head.

No definite knowledge can be obtained of the detail of expenditure of the millions Congress is called upon annually to appropriate for the care of these "Wards of the Nation."

Such items as the following are found in the reports:

Civilization and subsistence of Indians on the Malheur reservation	$48,057 64
Collecting and subsisting Apaches	4,182 00
Expense of Indian delegation visiting Washington	13,544 00

The names of the agents are given, but how this money is expended is left for them to show in whatever manner they please. They can make out their vouchers for thousands of dollars, almost as sure of payment as if they called for as many cents.

ANOTHER EX-CABINET OFFICER BROUGHT TO GRIEF.

HISTORY OF A TRANSACTION MORE DISGRACEFUL THAN THE CREDIT MOBILIER AND DE GOLYER FRAUDS, AS TOLD BY THE SUPREME COURT OF THE UNITED STATES.

THE KIND OF MAN MR. GARFIELD SELECTED FOR CHAIRMAN OF THE REPUBLICAN NATIONAL COMMITTEE.

For several weeks after the nomination of Mr. Garfield the chairmanship of the Republican National Committee went begging. Don Cameron was made sick, "nigh unto death," by the victory of Garfield and the crushing defeat of Grant at Chicago. To heal the wounds inflicted by the mad factions in that convention Mr. Garfield and his friends implored Cameron to remain at the head of the National Committee; but Mr. Cameron was in a bad humor and positively declined. They next offered the vacant post to William E. Chandler, with the hope of reconciling the friends of Blaine, but the "Plumed Knight" ordered his wily henchman to reject it. The doubtful honor went begging another week. At length the friends of Mr. Garfield betook themselves to Utica, and began coquetting with Senator Conkling. They offered the chairmanship to the Hon. Thomas C. Platt, Mr. Conkling's friend, with protestations of unfailing loyalty to the "head and summit of the human race," and dutiful affection for the New York Senator. Mr. Conkling was also sick. Sprague's shotgun at Canonchet, and Grant's Waterloo at Chicago, had soured his temper. Mr. Platt was not permitted to accept the chairmanship. Several other Republican statesmen were implored to accept it, but each in turn declined.

At length, in great despair, Mr. Garfield turned to his old friend, MARSHALL JEWELL, of Connecticut. "A fellow-feeling makes men wondrous kind." Mr. Jewell had been Postmaster-General under Grant, who unceremoniously kicked him out of that office. Garfield had been caught in two schemes of fraud with scarcely a parallel in history. Jewell had been caught in a transaction even more disgraceful, but not so well known to the public. The chairmanship was offered to Mr. Jewell and promptly accepted.

The public may learn who this Chairman of the Republican National Committee is by reading the following opinion of the Supreme Court of the United States, as reported in the 4th volume of Otto's Reports, p. 506.

ALLORE
vs. } In the Supreme Court of the United States, October Term, 1876.
JEWELL.

Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

The facts are stated in the opinion of the court.

Mr. Alfred Russell for the appellant.

Mr. A. B. Maynard, contra.

Mr. Justice Field delivered the opinion of the court.

This is a suit brought by the heir-at-law of Marie Genevieve Thibault, late of Detroit, Mich., to cancel a conveyance of land alleged to have been obtained from her a few weeks before her death, when, from her condition, she was incapable of understanding the nature and effect of the transaction.

The deceased died at Detroit, on the 4th of February, 1864, intestate, leaving the complainant her sole surviving heir-at-law. For many years previous to her death, and until the execution of the conveyance to the defendant, she was seised in fee of the land in controversy situated in that city, which she occupied as a homestead.

In November, 1863, the defendant obtained from her a conveyance of this property.

A copy of the conveyance is set forth in the bill. It contains covenants of seisin and warranty by the grantor, and immediately following them an agreement by the defendant to pay her $250 upon the delivery of the instrument; an annuity of $500, all her physician's bills during her life,the taxes on the property for that year, and all subsequent taxes during her life; also, that she should have the use and occupation of the house until the spring of 1864, or that he would pay the rent of such other house as she might occupy until then. The property was then worth, according to the testimony in the case, between $6,000 and $8,000. The deceased was at that time between sixty and seventy years of age, and was confined to her house by sickness from which she never recovered. She lived alone in a state of great degradation, and was without regular attendance in her sickness. There were no persons present with her at the execution of the conveyance except the defendant, his agent and his attorney. The $250 stipulated were paid, but no other payment was ever made to her; she died a few weeks afterwards.

As grounds for canceling this conveyance, the complainant alleges that the deceased, during the last few years of her life, was afflicted with lunacy or chronic insanity, and was so infirm as to be incapable of transacting any business of importance ; that her last sickness aggravated her insanity, greatly weakened her mental faculties, and still more disqualified her for business ; that the defendant and his agent knew of her infirmity, and that there was no reasonable prospect of her recovery from her sickness, or of her long surviving, when the conveyance was taken ; that she did not understand the nature of the instrument, and that it was obtained for an insignificant consideration, and in a clandestine manner without her having any independent advice.

These allegations the defendant controverts, and avers that the conveyance was taken upon a proposition of the deceased ; that at the date of its execution she was in the full possession of her mental faculties, appreciated the value of the property, and was capable of contracting with reference to it, and of selling or otherwise dealing with it ; that since her death he has occupied the premises, and made permanent improvements to the value of $7,000 ; and that the complainant never gave him notice of any claim to the property until the commencement of this suit.

The court below dismissed the oill, whereupon the complainant appealed here. The question presented for determination is, whether the deceased, at the time she executed the conveyance in question, possessed sufficient intelligence to understand fully the nature and effect of the transaction; and, if so, whether the conveyance was executed under such circumstances as that it ought to be upheld, or as would justify the interference of equity for its cancellation.

Numerous witnesses were examined in the case, and a large amount of testimony was taken. This testimony has been carefully analyzed by the defendant's counsel; and it must be admitted that the facts detailed by any one witness with reference to the condition of the deceased previous to her last illness, considered separately and apart from the statements of the others, do not show incapacity to transact business on her part, nor establish insanity, either continued or temporary. And yet when all the facts stated by the different witnesses are taken together, one is led irresistibly by their combined effect to the conclusion, that, if the deceased was not afflicted with insanity for some years before her death, her mind wandered so near the line which divides sanity from insanity as to render any important business transaction with her of doubtful propriety, and to justify a careful scrutiny into its fairness.

Thus, some of the witnesses speak of the deceased as having low and filthy habits, of her being so imperfectly clad as at times to expose immodestly portions of her person; of her eating with her fingers, and having vermin on her body. Some of them testify to her believing in dreams, and her imagining she could see ghosts and spirits around her room, and her claiming to talk with them; to her being incoherent in her conversation, passing suddenly and without cause from one subject to another; to her using vulgar and profane language; to her making immodest gestures; to her talking strangely, and making singular motions and gestures in her neighbors' houses and in the streets. Other witnesses testify to further peculiarities of life, manner, and conduct; but none of the peculiarities mentioned, considered singly, show a want of capacity to transact business. Instances will readily occur to every one where some of them have been exhibited by persons possesing good judgment in the management and disposition of property. But when all the peculiarities mentioned, of life, conduct, and language, are found in the same person, they create a strong impression that his mind is not entirely sound; and all transactions relating to his property will be narrowly scanned by a court of equity, whenever brought under its cognizance.

The condition of the deceased was not improved during her last sickness.

The testimony of her attending physician leads to the conclusion that her mental infirmities were aggravated by it. He states that he had studied her disease, and for many years had considered her partially insane, and that in his opinion she was not competent in November, 1863, during her last sickness, to understand a document like the instrument executed. The physician also testifies that during this month he informed one Dolsen, who had inquired of the condition and health of the deceased, and had stated that efforts had been made to purchase her property, that in his opinion she could not survive her sickness, and that she was not in a condition to make any sale of the property "in a right way."

This Dolsen had at one time owned and managed a tannery adjoining the home of the deceased, which he sold to the defendant. After the sale, he carried on the business as the defendant's agent. Through him the transaction for the purchase of the property was conducted. The deceased understood English imperfectly, and Dolsen undertook to explain to her, in French, the contents of the paper she executed. Some attempt is made to show that he acted as her agent; but this is evidently an afterthought. He was in the employment of the defendant, had charge of his business, and had often talked with him about securing the property ; and in his interest he acted throughout. If the deceased was not in a condition to dispose of the property, she was not in a condition to appoint an agent for that purpose.

The defendant himself states that he had seen the deceased for years, and knew that she was eccentric, queer, and penurious. It is hardly credible that during those years, carrying on business within a few yards of her house, he had not heard that her mind was unsettled ; or, at least, had not inferred that such was the fact, from what he saw of her conduct. Be that as it may, Dolsen's knowledge was his knowledge ; and when he covenanted to pay the annuity, some inquiry must have been had as to the probable duration of the payments. Such covenants are not often made without inquiries of that nature ; and to Dolsen he must have looked for information, for he states that he conversed with no one else about the purchase. With him and with his attorney he went to the house of the deceased, and there witnessed the miserable condition in which she lived, and he states that he wondered how anybody could live in such a place, and that he told Dolsen to get her a bed and some clothing. Dolsen had previously informed him that she would not sell the property ; yet he took a conveyance from her at a consideration which, under the circumstances, with a certainty almost of her speedy decease, was an insignificant one compared with the value of the property.

In view of the circumstances stated, we are not satisfied that the deceased was, at the time she executed the conveyance, capable of comprehending fully the nature and effect of the transaction. She was in a state of physical prostration ; and from that cause and her previous infirmities, aggravated by her sickness, her intellect was greatly enfeebled ; and if not disqualified, she was unfitted to attend to business of such importance as the disposition of her entire property, and the securing of an annuity for life. Certain it is, that in negotiating for the disposition of the property, she stood, in her sickness and infirmities, on no terms of equality with the defendant, who with his attorney and agent, met her alone in her hovel to obtain the conveyance.

It is not necessary, in order to secure the aid of equity, to prove that the deceased was at the time insane, or in such a state of mental imbecility as to render her entirely incapable of executing a valid deed. It is sufficient to show that, from her sickness and infirmities, she was at the time in a condition of great mental weakness, and that there was gross inadequacy of consideration for the conveyance. From these circumstances, imposition or undue influence will be inferred. In the case of *Harding* vs. *Wheaton,* reported in the 2d of Mason, a conveyance executed by one to his son-in-law, for a nominal consideration, and upon a verbal arrangement that it should be considered as a trust for the maintenance of the grantor, and after his death for the benefit of his heirs, was, after his death set aside, except as security for actual advances and charges, upon application of his heirs, on the ground that it was obtained from him when his mind was enfeebled by age and other causes. "Extreme weakness," said Mr. Justice Story, in deciding the case, "will raise an almost necessary presumption of imposition, even when it stops short of legal incapacity ; and though a contract, in the ordinary course of things, reasonably made with such a person might be admitted to stand, yet if it should appear to be of such a nature as that such a person could not be capable of measuring its extent or importance, its reasonableness or its value, fully and fairly, it cannot be that the law is so much at variance with common sense as to uphold it." The case subsequently came before this court ; and, in deciding it, Mr. Chief Justice Marshall, speaking of this, and, it would seem, of other deeds executed by the deceased, said : "If these deeds were ob tained by the exercise of undue influence over a man whose mind had ceased to be the safe guide of his actions, it is against conscience for him who has obtained them to derive any advantage from them. It is the peculiar province of a court of conscience to set them aside. That a court of equity will interpose in such a case is among its best-settled principles" (*Harding* v. *Handy*, 11 Wheat., 125).

The same doctrine is announced in adjudged cases, almost without number; and it may be stated as settled law, that whenever there is great weakness of mind in a person executing a conveyance of land, arising from age, sickness, or any other cause, though not amounting to absolute disqualification, and the consideration given for the property is grossly inadequate, a court of equity will upon proper and seasonable application of the injured party, or his representatives or heirs, interfere and set the conveyance aside. And the present case comes directly within this principle.

In the recent case of Kempson *v.* Ashbee, 10 Ch. Cas., 15, decided in the Court of Appeal in Chancery in England, two bonds executed by a young woman, living at the time with her mother and stepfather, one, at the age of twenty-one, as surety for her stepfather's debt, and the other, at the age of twenty-nine, to secure the amount of a judgment recovered on the first bond, were set aside as against her, on the ground that she had acted in the transaction without independent advice; one of the justices observing that the Court had endeavored to prevent persons subject to influence from being induced to enter into transactions without advice of that kind. The principle upon which the court acts in such cases, of protecting the weak and dependent, may always be invoked on behalf of persons in the situation of the deceased spinster in this case of doubtful sanity, living entirely by herself, without friends to take care of her, and confined to her house by sickness. As well on this ground as on the ground of weakness of mind and gross inadequacy of consideration, we think the case a proper one for the interference of equity, and that a cancellation of the deed should be decreed.

The objection of the lapse of time—six years—before bringing the suit cannot avail the defendant. If during this time, from the death of witnesses or other causes, a full presentation of the facts of the case had become impossible, there might be force in the objection. But as there had been no change in this respect to the injury of the defendant, it does not lie in his mouth, after having, in the manner stated, obtained the property of the deceased, to complain that her heir did not sooner bring suit against him to compel its surrender. There is no statutory bar in the case. The improvements made have not cost more than the amount which a reasonable rent of the property would have produced, and the complainant, as we understand, does not object to allow the defendant credit for them. And as to the small amount paid on the execution of the conveyance, it is sufficent to observe that the complainant received from the administrator of the deceased's estate only $113.42; and there is no evidence that he ever knew that this sum constituted any portion of the money obtained from the defendant. A decree must, therefore, be entered for a cancellation of the deed of the deceased and a surrender of the property to the complainant, but without any accounting for back rents, the improvements being taken as an equivalent for them.

Decree reversed and cause remanded, with directions to enter a decree as thus stated.

PRESIDENTIAL LUXURIES.

HOW THE PEOPLE ARE TAXED TO PAY FOR DOGS, COUPÉS, CARRIAGES, CROQUET SETS, CHINA DINNER SERVICE, ETC., FOR THE WHITE HOUSE.

R. B. HAYES IN A NEW ROLE.

The simple habits and straightforward honesty of Democratic Presidents made the White House the pride of every citizen. From the humblest to the highest, all were welcomed there with a cordial and unaffected hospitality. The inmates of the Executive Mansion, in the good old Democratic days, treated all visitors alike, whether they were the laboring poor, clad in homespun, or fortune's favorites done up in broadcloth, or in satin and silk. In those days the President of the United States was proud to acknowledge himself the *servant* of the people, and not their *master*.

But all this has changed. Under Republican rule official snobbery at the White House has made that home of the Presidents offensive to plain and honest people. Democratic simplicity has been superseded by a code of mannerism about as little understood by the multitude as were the mysteries of the Holy Vehm by Continental rustics in the middle ages. But while the general public know but little about the aristocratic social system of the White House, by reason of the exclusiveness of its inmates, even less is known about its financial management.

With the introduction of this imperial code of manners, came that mania for luxury and extravagance which has brought such scandal upon the Executive Mansion of late years. With the advent of Grant came the gift-maker. Thousands of costly presents were showered upon him. Hambletonian colts, bull pups, gold-tipped cigars, expensive libraries and the like, were among the gifts that found their way to the White House. The giver was almost invariably rewarded with a fat office or a remunerative contract.

None but the elect were permitted to visit the official dog kennels, or the official stables, built by Babcock at a cost to the people of $10,000. The display of blooded animals, poultry, ponies, coupés, splendid carriages, sulkies, drags, and other costly things, was amazing. And it must not be forgotten that all of this expensive stud, including the dogs and their keepers, were maintained by the taxpayers of the country.

A few vouchers, taken at random from the expense accounts of the White House, will serve to show how the taxpayers were made to foot the bills for these official luxuries:

THE OFFICIAL DOG.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for sundries) to Patrick Sweeny, Dr., 1872. Sept. 30—For board and care of dog for July, August and September, three months, at $10. Application: used in place of watchman. $30 (receipted as above). Paid by check No. 328; dated September 30, 1872, for $41, on treasurer, Washington.

I certify that the above account is correct and just, the articles to be (or have been) accounted for in my return for the third quarter of 1872.

O. E. BABCOCK, Major of Engineers, U. S. A.

THE PRESIDENT'S COUPÉ.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairing coupé) To John McDermott & Bros., Dr., 1871. Oct. 31st—For repairing, trimming and painting government COUPÉ, $173.50.

Received at Washington, this Nov. 3d, 1871, from Major O. E. Babcock, Corps of Engineers, the sum of one hundred and seventy-three and fifty-one-hundredth dollars, in full payment of the above account. Check No. 76, dated Nov. 3d, 1871, on treasurer at Washington, for $173.50.

(Signed in duplicate) JOHN McDERMOTT & BROS.

I certify the above account is correct and just.

O. E. BABCOCK, Major of Engineers, U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To J. McDermott & Bros., Dr., 1872. May 31—For repairing COUPÉ, OFFICE CARRIAGE and BUGGY, from Aug. 8th, 1871, to May 31st, 1872, $169.15.

Received, June 6th, 1872, from Major O. E. Babcock, Corps of Engineers, the sum of one hundred and sixty-nine and fifteen-one-hundredth dollars, in full payment of the above account. Check No. 255, dated June 5th, 1872, on treasurer at Washington, for $169.15.

JOHN McDERMOTT & BROS.

I certify that the above account is correct and just.

O. E. BABCOCK, Major of Engineers, U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To John McDermott & Bros., Dr., 1872. Sept. 25th—For *thoroughly* repairing, trimming and painting, including new wheels, axles, lamps and trimming complete. Application: "on COUPÉ." $550.

Received at Washington, D. C., this Oct. 19th, 1872, from Major O. E. Babcock, Corps of Engineers, the sum of five hundred and fifty dollars, in full payment of the above account. Check No. 408, October 19th, 1872, on treasurer at Washington, for $550.

(Signed in duplicate) JOHN McDERMOTT & BROS.

I certify that the above account is just and correct.

O. E. BABCOCK, Major of Engineers U. S. A.

[Form 8.]

Appropriation for improvement and care of public grounds.

The United States (for repairs) To John McDermott & Bros., Dr., 1872. July 2d to Nov. 30th—For painting, trimming and necessary repairs on carriage and buggy. Application : office use. $215.50.

Receipted as above, Jan. 29th, 1873. Check No. 476, Jan. 29th, 1873, on treasurer at Washington, for $215.50.

I certify that the above account is just and correct, the articles to be (or have been) accounted for in my return for the first quarter of 1873.

O. E. BABCOCK, Major of Engineers, U. S. A.

It will appear from these vouchers that the carriage cobbler cost the taxpayers almost as much as the carriage builder ; and that the elevation of the dog to the responsible post of watchman brought the canine and human species in direct competition for positions of honor and trust "near the throne."

The æsthetic tastes of the Presidential household have greatly changed since the retirement of Grant. When the Electoral Commission decided to give Hayes the office to which Mr. Tilden had been elected, the country was assured that the manners and morals of the White House would be radically improved. Grant had been profligate in his tastes. He had spent a fortune on his private table, gave rich entertainments, and the crowd at the White House had consumed vast quantities of strong liquors and fine cigars. When Hayes took Mr. Tilden's seat an air of godlinesss was assumed by the new incumbents. Wines and other abominations were banished from the Executive Mansion. Pious people rejoiced. Religion and morality had found a home at the White House, and nothing stronger than Apollinaris water was allowed there. In a short time there was a lapse from godliness to sin—from Apollinaris water to vulgar whisky and strong wines. The Russian Grand Dukes, Alexis and Constantine, were dined in state at the Executive Mansion. The moral ideas of the fraudulent President vanished before these scions of a royal house. Liquors flowed in abundance, and there was a high old time at the White House. The Grand Dukes departed for Russia and the Hayes household again settled down to their psalm-singing and spring water.

Mr. Hayes soon discovered a taste for innocent sports, for works of art and refined luxury. The taste of his household ran in the same direction. Having a salary of only FIFTY THOUSAND DOLLARS A YEAR, he could not think of gratifying this taste at his own expense. So he decided to make a raid on the Federal treasury. This was shortly after his inauguration. The healthful and innocent game of croquet was in fashion. He could have bought a set for $10, but it was agreed that nothing but *box-wood balls* would answer for the White House, and they would cost *six dollars more*—a drain that his private fortune could never bear. The following voucher will show how he obtained them at the expense of the taxpayers. It will be observed that this purchase is brought under the head of "*Repairs and Fuel*" for the Executive Mansion, a simple device that no one but a Christian statesman like Mr. Hayes could invent.

THE OFFICIAL CROQUET SET.

[Form 8.]

Appropriation for Repairs, Fuel, etc., Executive Mansion, 1878. The United States (for furniture) to J. Bradley Adams, Dr.

Date.		Designation.	Application.	Cash.	
				Dollars.	Cents.
1877					
April	24.	For 1 Set Croquet	Refurnishing	10	00
July	10.	" 8 Boxwood Balls	Ex. Mansion	6	00
				$16	00

Received at Washington, D. C., this 13th day of July, 1877, from Lieut.-Col. T. L. Casey, corps of Engineers, the sum of sixteen Dollars and — cents, in full payment of the above account.

Check No. 624, dated July 13th, 1877, on Treasury of the United States for $16.

(Signed in duplicate)

J. BRADLEY ADAMS.

I certify that the above account is correct and just, the articles to be (or have been) accounted for in my return for the 3d quarter of 1877.

THOMAS LINCOLN CASEY,
Lieut.-Col. of Engineers.

At a later date Mr. Hayes became dissatisfied with his carriage. He wanted a more costly vehicle—a luxurious Rockaway, capable of holding a large family. So the disbursing officer of the White House was ordered to buy one and have it charged to the Government.

The purchase was made at a cost of $800 to the taxpayers of the country as the following voucher shows:

THE OFFICIAL ROCKAWAY.

Rept. No. 213,467.
W. K. Crook, Dis. Agent,
Ex. Man. 3d and 4th quarter, 1878.
[Executive Office.]
To Andrew J. Joyce, Dr.,
Carriage Manufacturer, Nos. 412, 414, 416 Fourteenth street.

July 15th. To 6 seat-pass. Rockaway........................... $800.00

Rec'd payment,
ANDREW J. JOYCE.

August 25th, 1878.

It has been whispered that, in view of an early retirement to less exciting scenes, this carriage has already been sent to Ohio to be stored.

IMPERIAL CROCKERY.

In July, 1879, the Hayes family determined to put in practical shape a long cherished scheme to stock the Executive Mansion with crockery suited to the moral tone and elevated tastes that prevailed there.

The Fraudulent President had frequently cheated the taxpayers by saddling on the Government the cost of luxuries purchased for his own private enjoyment; but, like the proofs that showed his defeat in 1876, he no doubt considered the evidence of this petty plundering as *aliunde*. At all events, it was settled that the

Hayes family must have a new dinner set, and that *the government must pay for it.* The mania for rare China was raging at the White House, and accordingly, negotiations were opened with the Havilands of Limoges, France, and estimates and plans and prices were agreed upon for a dinner set to be made of that exquisite material. There was a stipulation in the contract that the enormous price named was *exclusive of customs duties.* Mr. Hayes must see to it that the goods were smuggled in by the customs officers in New York, or pay the duty himself. The dinner set was made and is now at the White House. Every piece in the service is a work of art. Each one is decorated differently, all representing American game birds, animals, fish and hunting scenes. The American coat-of-arms is painted conspicuously on every dish.

When the contract was made Mr. Hayes agreed to employ an American artist to make the designs. After the designs were completed, the American decorator was paid $3,000 by the French manufactures. Mr. Hayes refused to reimburse them, and in consequence, they claim that they make no profit on their work.

The following transcripts of papers, the originals of which are in the secret archives of the Executive Mansion, show all the details of this remarkable transaction.

THE OFFICIAL DECORATED CHINA DINNER SERVICE.

Haviland & Co.,
Limoges.
45 Barclay Street,
New York, January 19th, 1879.

Mr. T. L. Casey, Lieut.-Col. of Engineers, U. S. A.:

Sir: We inclose detailed estimate for dinner set for Executive Mansion, to be of our very best quality of porcelain and decorated by our first artists; in all respects equal in quality to the samples submitted to her excellency, Mrs. Hayes. We will deliver the set in the Mansion. The figures quoted are, of course, based on the understanding that we can import the set free of duty.

We have included in the cost of each article the price of the crest, thus the dinner plates cost $34.85 per dozen, and *the crests* $15.

If you decide to give us the order please do not forget to send, at the same time, the clippings of ferns and the photograph of toilet set the writer spoke to you about.

Yours respectfully,

HAVILAND & CO.,

By Albert A. Love, Att'y

Haviland & Co.,
Limoges.
45 Barclay Street,
New York, January 19th, 1879.

Estimate for Dinner Set for Executive Mansion.

10 dozen dinner plates, flat, plain, 8¾ pouce. Decoration: Pearl grey on border, with line of dead gold; rich Persian border, by Renard, in rim of plate in gold and colors, with crest of U. S. and figures 1879 in gold, at $49.85	$498 50
5 dozen soup plates, deep plain, 8¾ pouce; same decoration, at $49.85	249 25
5 dozen fish plates, shell shape, 7½ pouce; color under glaze, grand fire and marine plants and shells, by Pallandre, at $39.70	198 50
5 dozen game plates, engraved border, 8 pouce; decoration similar to dinner plate, and game birds in center, by Bellit, at $59.90	299 50
5 dozen dessert plates, *coufe* (thin), 8 pouce; color under glaze, grand fire, and subjects by Bracquemond, with crest, etc., at $75.35	376 75
5 dozen dessert plates, *coufe* (thin), 7½ pouce; color under glaze, grand fire, with flower and fern centers, by Lyssac, with crest, etc., at $51.70	258 50

4 fruit baskets, Saxon round; color under glaze, grand fire, flowers in panels, by Chabunrier, with crest, etc., at $11.25	45 00
2 fruit baskets, Saxon oral; same decoration; assorted colors, at $24.35.	48 70
4 Jardinieres Meissen 2d; same decoration; assorted colors, at $15.40	61 60
2 Jardinieres Meissen 1st; same decoration; assorted colors, at $29.60	59 20
6 Bon-Bon stands, laced edge; fern decoration in centre, by Lyssac, at $10.15	60 90
4 Bon-Bon stands, laced edge, high foot; same decoration, at $10.15	40 60
30 pairs after-dinner coffees, anchor shape (thin, deep saucers), Persian borders, by Renard, with crest, etc., at $4.95	148 50
30 pairs teas, Parisian (thin); same decoration, at $5.85	175 50
30 pairs after-dinner coffees, chrystal (thin), rich decoration, by Jochum, with crest, etc.; cups tinted inside; 12 colors, at $7.50	225 00
30 pairs teas, Parisian 1st, at $8.35	250 50
In United States currency	$2,996 50

ARTICLES OF AGREEMENT.

Articles of agreement entered into this 20th day of February, 1879, between Lieut.-Colonel Thomas Lincoln Casey, Corps of Engineers, United States Army, for and in behalf of the United States, of the first part, and David Haviland, Charles E. Haviland, and Theo. Haviland, partners, doing business under the firm name of Haviland & Co., of New York, in the county of New York, state of New York, of the second part.

This agreement witnesseth that the said parties have mutually covenanted and agreed, to and with each other in the manner following, namely: That the said Haviland & Co. shall, in conformity with their proposal and estimate hereunto attached, and which form a part of this contract, and, with the samples submitted by them for inspection, make and complete, in the best artistic manner of their manufactory, and to the satisfaction of the party of the first, and deliver in complete order at the Executive Mansion, in the city of Washington, D. C., a porcelain service for the state dinner table of the said Mansion, comprising the following pieces, and at the prices annexed, which prices are to be exclusive of import duty; namely:

10	dozen	Dinner	Plates,	@	$49.85	$498 50
5	"	Soup	"	"	49.85	249 25
5	"	Fish	"	"	39.70	198 50
5	"	Game	"	"	59.90	299 50
5	"	Dessert	"	"	75.35	376 75
5	"	"	"	"	51.70	258 50
4	Fruit	Baskets,		"	11.25	45 00
2	"	"		"	24.35	48 70
4	Jardinieres,			"	15.40	61 60
2	"			"	29.60	59 20
6	Bon Bon	Stands,		"	10.15	60 90
4	"	"		"	10.15	40 60
30	Pairs	after-dinner Coffees,		@	$4.95	148 50
30	"	Teas,		"	5.85	175 50
30	"	after-dinner Coffees,		"	7.50	225 00
30	"	Teas,		"	8.35	250 50

Being, for the whole, the sum of two thousand nine hundred and ninety-six dollars and fifty cents ($\$2{,}996\frac{50}{100}$).

That the above costs shall include the marking upon each piece ordered, of the coat-of-arms of the United States, as per sample furnished, together with the year 1879, beneath the same, in small figures.

That the said Haviland & Co. shall commence the manufacture of the articles herein contracted for as soon as possible after the signing of this contract, and deliver the same within six months from the commencement of the work, or as much sooner as is practicable.

That payment shall be made when the articles shall have been delivered and accepted.

In witness whereof the undersigned have hereunto placed their hands and seals, the day and date first above written.

THOMAS LINCOLN CASEY,
Lieut.-Col. of Engineers, U. S. A. [Seal.]
HAVILAND & CO.,
By Theodore Haviland, Att'y [Seal.]

Witnesses:
E. F. CONKLIN,
WILLIAM L. BRIGGS,
E. CAMPBELL.

THE TAX-PAYERS FOOT THE BILL.

This rare set of dinner service is charged to the *furniture account* of the Executive Mansion, and the taxpayers of the United States foot the bill. The total cost of this royal outfit is about $15,000. When Mr. Hayes retirés from the White House, like the Rockaway and the croquet set, this china service will find its way to Ohio, to become an heirloom in the family of the First Fraudulent President.

The people will never know how many articles for personal use have been paid for by the government, under the Grant and Hayes' administrations, until a Democratic President is elected.

EXECUTIVE MANSION.

Total expenditures on account of the Executive Mansion, from March 2d, 1779, to June 30th, 1876, reported to the House of Representatives by the Secretary of the Treasury, May 22, 1878.

Furniture.		
From March 2, 1797, to February 20, 1861	$281,052.92	
" February 20, 1861, to March 3, 1873		$242,980 82
Repairs.		
From March 3, 1807, to March 2, 1861	395,073 01	
" March 2, 1861, to April 20, 1870		156,948 31
Repairs, Furniture and Fuel.		
From March 3, 1871, to June 23, 1874		161,345 00
Library.		
From Sept. 30, 1850, to March 2, 1861	3,998 46	
" March 3, 1861, to March 1, 1862		251 54
Improvement of Grounds.		
From April 20, 1818, to March 2, 1861	149,773 76	
" March 2, 1861, to March 3, 1871		119,297 51
Watchman.		
From March 3, 1851, to February 20, 1861	11,601 00	
" February 20, 1861, to July 12, 1870		14,694 07
Furnace Keeper.		
From March 3, 1855, to February 20, 1861	2,842 00	
" February 20, 1861, to July 12, 1870		6,527 50
Door Keepers.		
From Aug. 31, 1852, to February 20, 1861	10,479 00	
" February 20, 1861, to July 12, 1870		10,334 63
Fuel.		
From March 3, 1855, to March 2, 1861	8,200 00	
" March 2, 1861, to July 15, 1870		38,929 03
Policemen.		
None previous to 1866.		
From July 23, 1866, to July 12, 1870		15,346 58
Repairs of Summer Residence.		
From July 12, 1864		3,000 00
Survey of Land for Site for President's Mansion.		
1867		2,391 31
Underdraining Grounds and Garden.		
1866		994 21
Total Expenditures from the Commencement of the Government.		
March 2, 1797, to March 2, 1861—72 years	$863,020 15	

The above includes building the White House and rebuilding same.

From March 2, 1861, to June 23, 1874—13 years	$773,040 51

Very nearly as much spent in thirteen years Republican rule as in seventy-two years previous, being less than one-fifth of the time only.

The average per annum for 72 years preceding 1861, $11,986.39.

Average per annum for 13 years, 1861 to 1874, $59,387.73.

An increase of $47,401.34 per annum, or an average increase of 395 per cent. And in this connection it may be remarked that the Executive Mansion was constructed and rebuilt previous to 1861. The amounts $65,441.90 lavished upon it since that time, and especially since the commencement of Grant's administration, and during the incumbency of Mr. Hayes, have been spent for the comfort and luxuries of the occupants, and not for permanent public improvements.

EXPENSES OF THE WHITE HOUSE.

Executive Mansion.	Last 4 years of Democratic rule.	Last 12 years of Republican rule.
Annual repairs, including painting, etc.	$32,000 00	$302,345 00
Refurnishing interior, etc.	20,000 00	....
Care and improvement of grounds south of house	5,500 00	113,719 25
Repairs, etc., of greenhouse and plants	1,000 00	37,000 00
Fuel, in part for President's house	7,200 00	37,000 00
Books for library " "	1,000 00	....
Iron fencing around grounds	....	82,000 00
New stables to replace those torn down to make room for Treasury	20,000 00	....
Care of nursery, etc	....	7,500 00
For trees, tree stakes, lime and stock for nursery	....	13,000 00
For removing snow and ice	....	5,000 00
For flower pots, twine, baskets, and lycopodium	....	3,500 00
For filling, leveling and improving grounds in front of Executive Mansion	....	10,000 00
Total	$86,700 00	$611,064 25
SALARIES OF EMPLOYEES IN EXECUTIVE MANSION—		
Night watchmen	$3,600 00	$14,400 00
Door keepers	18,000 00	19,360 00
Furnace keeper	1,565 00	9,648 00
Policeman	....	18,440 00
Usher	....	22,000 00
Total	$23,165 00	$83,848 00
SALARIES OF OFFICERS IN THE EXECUTIVE OFFICE—		
President of the United States	$100,000 00	$500,000 00
Secretary to sign land warrants	....	7,500 00
Private Secretary	8,750 00	176,200 00
Assist. Private Secretary	....	
Clerk's Executive (2)	....	
Clerks, 1/4, 1/2, 1/4	....	
Steward	4,200 00	
Messengers (5)	3,150 00	
Stenographer (1)	....	
Telegraph Operator	....	
Contingent expenses, including stationery	2,625 00	25,500 00
Total	$118,725 00	$709,200 00

RECAPITULATION.

Executive Mansion	$86,700 00	$611,064 25
Salaries to employees in same	23,165 00	83,848 00
Salaries to officers in same	118,725 00	709,200 00
Totals	$228,590 00	$1,404,112 25

Expenditure during four years of Democratic rule, from 1857 to 1861	$228,590 00
Expenditure during twelve years of Republican power and misrule, from March 4, 1869, to March 4, 1881	$1,404,112 25
Average annual expenditure under Republican rule	$117,009 35
Average annual expenditure under Democratic rule	$57,147 50
Average annual saving under Democratic administration	$59,861 85

THE BOTANICAL GARDEN.

MR. GARFIELD INCREASES THE APPROPRIATIONS FOR BOUQUETS AT THE WHITE HOUSE, AND FOR FLORAL GIFTS BY THE PRESIDENTIAL HOUSEHOLD.

THE BOUQUET SHOP.

The Botanical Garden at Washington, which is used amongst other purposes to supply bouquets to the White House, and for presentation by the occupants of the Presidential mansion to distinguished persons for social entertainments, has gradually become a great annual charge to the tax-payers. According to the official reports the sum spent on this Bouquet Shop, from the commencement of Republican rule in 1861 to the present year, aggregates $436,216.66. During the administration of Lincoln and Johnson the appropriations were small, not averaging to exceed $11,828 per annum, including the erection of buildings. The increased appropriations for this official luxury were begun in Grant's administration, and continued extravagant during the period when Mr. James Garfield held the purse strings as Chairman of the Committee of Appropriations of the House of Representatives, until the advent of the Democratic House, when they were reduced.

The first great increase was for the fiscal year ended June 30th, 1873, being also the first year appropriated for after Mr. Garfield became Chairman of the Committee on Appropriations.* The amount he secured for this project in that year was $43,646, and in the following year he secured the increase to $56,646. A comparison for the former years appropriated when Mr. Garfield was Chairman of the Appropriation Committee with those appropriated for during the first years of the Forty-fourth and Forty-fifth Congresses (when the House was Democratic) shows the former to have been $152,959 as against $69,795, a decrease by the Democratic House under Mr. Garfield's appropriations of $83,164, being a reduction of more than fifty-four per cent.

Let us now examine the cost of the Botanical Garden from the first year of its little beginning up to the present time, and make the comparison between its cost previous to the extravagant expenditures made upon it by the Republicans and the cost of its maintenance since 1861. The first appropriation for the Garden appears in an item in the Act of 1836. The total expenditures since that date were as follows :

EXPENDITURES ON ACCOUNT OF THE BOTANICAL GARDEN FROM 1836 TO 1866.

Buildings and Grounds	$42,447.11
Salaries	45,496.30
Improvement of Grounds	20,600.00
Repairs	1,044.16
Total for thirty years	$109,587.57

Being an average of $3,652.92 per year.

EXPENDITURES ON ACCOUNT OF THE BOTANICAL GARDEN FROM 1866 TO 1877.

Buildings and Grounds	$135,156.35
Salaries	121,590.07
Improvement of Grounds	108,847.99
Repairs	7,561.38
Total for eleven years	$373,155.79

Being an average of $33,923.00 per year.

In other words, the Botanical Garden since 1866 has cost ten times more per annum to support than it did before that period.

Below will be found a correct statement from the official records of the amounts annually appropriated for the Botanical Garden since 1861 :

U. S. GOVERNMENT EXPENSES FOR BOUQUET SHOP FOR TWENTY YEARS.

YEAR ENDING	APPROPRIATIONS FOR BOTANICAL GARDEN.	YEAR ENDING	APPROPRIATIONS FOR BOTANICAL GARDEN.
1862	$8,612 50	1873	$43,646 00
1863	8,412 50	1874	56,646 00
1864	8,421 50	1875	29,071 00
1865	9,445 80	1876	23,596 00
1866	26,945 80	1877	*16,450 00
1867	9,445 80	1878	*17,400 00
1868	16,645 80	1879	*20,450 00
1869	16,696 00	1880	*15,495 00
1870	25,296 96	1881	*18,883 00
1871	31,671 00		
1872	32,986 00		$436,216 66

* Years appropriated for by the Democratic House.

DISTRICT OF COLUMBIA.

COMPARISON OF EXPENDITURES BY THE GENERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA FOR PUBLIC PURPOSES, FROM THE COMMENCEMENT OF THE GOVERNMENT TO JUNE 30, 1876, AS REPORTED TO THE HOUSE OF REPRESENTATIVES BY THE SECRETARY OF THE TREASURY, MAY 22, 1878.

The extravagant expenditures of Republican administrations in the District of Columbia, have been on so grand a scale as to merit and receive the condemnation of the people. It is not complained of that the government should provide for itself the necessary buildings and conveniences for the transaction of the public business, but a large portion of the money chargeable to expenditures in the District of Columbia has been stolen by the rings with which the administration of Gen. Grant, and the Chairman of the Committee on Appropriations of the House, Mr. Garfield, were on intimate relations.

On the 22d of May, 1878, the Secretary of the Treasury made a report to the House of Representatives, which contained all the public expenditures made by the United States, in the District of Columbia for public purposes, from 1797 to 1876, inclusive. This report shows the following facts:

The total amount expended from 1797 to 1861, a period of 64 years, aggregated $35,478,899.40, being an average of $554,357.80 per year.

The total amount expended in the District of Columbia for public purposes, from 1861 to 1876 inclusive, a period of 16 years, aggregated $56,663,496.47, being at the rate of $3,541,468.53 per year.

Statement of expenditures from the National Treasury in the District of Columbia for streets and avenues.

From April 24, 1800 to March 3, 1861, $497,378.60, 61 years, or $8,153.75 per year.

From March 3, 1861 to March 3, 1876, 15 years, $3,534,930.96, or $235,662.06 per year.

Comparison by year of expenditures from the national treasury for public purposes in the District of Columbia:

EXPENDED.

Year.		*In*	
1873	$8,041,458 56.		
1860	1,535,783 59.	Excess, $6,505,674 97.	More than five times as much.
1874	5,135,901 01.		
1860	1,535,783 59.	Excess, $3,600,117 42.	More than three times as much
1875	6,468,753 64.		
1860	1,535,783 59.	Excess, $4,932,970 05.	More than four times as much.
1876	5,050,770 95.		
1860	1,535,783 59.	Excess, $4,514,987 36.	More than three times as much.

These figures require no explanation—they speak for themselves. It may be attempted to reply to them by saying, that the government has been erecting large and costly buildings in the District since 1861. This is true; but it is also true that a much greater number of public buildings, and of much greater value, were erected by the government in the District of Columbia previous to 1861. For example: The largest and most costly building erected by the government is the Capitol of the United States, which was nearly completed previous to June 30, 1861. The amount expended in the erection of the old and new Capitol, and repairing the same, was, previous to June 30, 1861, $9,225,000, whilst since that date, the following amount only has been expended in its completion: $2,470,000.

In addition to the Capitol building, the government had, previous to 1861, constructed in the District of Columbia the court house, jail, President's house (building and rebuilding), patent office, post-office, buildings for the war, navy, and state departments, the old treasury building (and had nearly completed the new treasury building), had completed observatory, navy yard, arsenal, and the botanical garden (partly constructed). Since 1861 the government has commenced, but not yet completed, the new building intended for the state, war and navy departments; completed the building for the treasury department; erected a small building for the department of agriculture; also a small building for a national museum, and completed the interior of the extension to the patent office.

In examining the expenditures in the District of Columbia by the government, since 1861, it will be found that they have not been in a great degree for public improvements, but rather temporary and contingent expenses. For example, making a comparison again in expenditures for the Capitol previous to and since 1861, we find the following items :

Repairs, for 34 years to March, 1861, $347,468.85; Repairs for 14 years from 1861 to 1875, $355,986.95.

Furniture for 61 years to 1861, $256,911.69; Furniture for 15 years from 1861 to 1876, $425,884.32.

Lighting for 32 years to 1861, $425,426.49; Lighting for 14 years from 1861 to 1875, $910,331.21.

Heating and ventilating for 30 years to 1861, $40,742.82; Heating and ventilating for 9 years to 1871, $257,841.57.

Improvement of grounds for 43 years to 1859, $224,012.41.

Improvement of grounds for 12 years to 1876, $1,410,246.00.

Police force for 10 years to 1861, $65,273.77.

Police force for 14 years from 1861 to 1875, $653,586.01.

In addition there are such items as the following, which do not appear previous to the year 1861, viz.: Senate stable, $10,000; labor, $21,110; police uniforms, $5,352.25, and the like.

MR. GARFIELD RESPONSIBLE FOR INCREASED EXPENDITURES.

A comparison of the year previous to the war with the years 1873, 1874, 1875 and 1876 (when Mr. Garfield was chairman of the Committee on Appropriations), of the expenditures made in the District of Columbia, shows the following enormous difference :

Comparison by years of expenditures from the National Treasury for public purposes in the District of Columbia: Expended in

YEAR.		
1873	$8,041,458.56	
1860	1,535,783.59	
Excess	$6,505,674.97	More than five times as much.

1874	$5,135,901.01	
1860	1,535,783.59	
Excess	$3,600,117.42	More than three times as much.

1875	$6,468,753.64	
1860	1,535,783.59	
Excess	$4,932,970.05	More than four times as much.

1876	$5,050,770.95	
1860	1,535,783.59	
Excess	$4,514,987.36	More than three times as much.

The comparisons are made with the years 1873, 1874, 1875, and 1876, because Mr. Garfield was Chairman of the Committee on Appropriations, which made the appropriations for those years, and always the most strenuous advocate of ring interests in the District of Columbia.

Take another item in detail, of the expenditures in the District of Columbia, namely, for streets and avenues : We find that there was expended for those purposes in the District of Columbia, in 61 years, from April 24, 1800, to March 3, 1861, $497,378.60; whilst for the same purposes there was expended in the District of Columbia by the general government, for 15 years, from March 3, 1861, to March 3, 1876, $3,534,930.96, or an average of $235,662.06 per annum, as against $8,153.75 per annum for the years preceding the war.

In addition to this large sum expended by the government in the District of Columbia for streets and avenues, an indebtedness was raised of $21,683,650.00, for which the government was compelled to issue its bonds. Nor does this represent the total amount expended in the District of Columbia through the agency of the Board of Public Works, which exceeded $35,000,000.

APPROPRIATIONS AND EXPENDITURES.

DEMOCRATIC ECONOMY AND REPUBLICAN EXTRAVAGANCE.

The profligate expenditures inaugurated by the Republican party culminated in Grant's second administration, and, to a considerable extent, were checked by the incoming of the Democratic House of Representatives, in December, 1875.

That body, as far as it had the power, cut down expenditures and endeavored to bring back the government to the economy in administration which prevailed before the new era of Radical corruption and wasteful extravagance.

DEMOCRATIC ECONOMY BEFORE THE WAR—1860 COMPARED WITH 1874.

Economy in public expenditures has always been a cardinal principle of the Democratic party. Contrast the net ordinary expenditures of the last Democratic administration with the last Republican administration previous to the advent of the Democratic House of Representatives in 1875, and the difference is startling. Eliminating from the calculation all expenditures relating to the public debt, principal, interest and premiums, and taking only *the net ordinary expenditures*, exclusive also of pensions, and we find :

Democratic administration, year ending June 30th, 1861, **$61,581,456.05** ; Republican administration, year ending June 30th, 1874, **$165,080,570.34** ; a difference of **$103,499,114.29** per annum, exclusive of expenditures arising out of the war !

TEN YEARS BEFORE THE WAR COMPARED WITH TEN YEARS SINCE THE WAR.

It may be said that a comparison of 1861 with 1874 is only that of one year with another single year. Let us, then, make the comparison as complete as possible. For this purpose eliminate entirely the war period, say from June 30th, 1862, to June 30th, 1866, both fiscal years inclusive, being more than a year after the close of the war. Eliminate again all except the net ordinary expenditures, excluding public debt, principal, interest, premiums and pensions, and it appears that the net ordinary expenditures above stated, from the fiscal year ended March 4th, 1879, down to and including the fiscal year ended June 30th, 1861, both inclusive, covering

A PERIOD OF SEVENTY-TWO YEARS,

amounted to one billion five hundred and six millions seven hundred and six thousand and one hundred and forty-one dollars and fifteen cents (**$1,506,706,141.15**).

Now, the net ordinary expenditures (for the same items) for the last TEN YEARS OF REPUBLICAN RULE preceding the advent of the Democratic House of Representatives, beginning with the fiscal year ended June 30, 1867, more than one year after the close of the war, up to and including the fiscal year ended June 30, 1876, amounted to one billion five hundred and twenty-eight million nine hundred and thirty-seven thousand one hundred and thirty-seven dollars and eighty-seven cents (**$1,528,937,137.87**). In other words, the Republican party expended more money in ten years after the close of the war and the disbandment of our armies, for net ordinary expenditures alone, exclusive of public debt, interest, principal and premium, and exclusive of pensions, by twenty-two millions two hundred and thirty thousand nine hundred and ninety-six dollars and seventy-two cents ($22,230,996.72), than had been expended in seventy-two years preceding the advent of the Republican party to power!

TEN YEARS BEFORE THE WAR AND TEN YEARS SINCE THE WAR.

Taking the same net ordinary expenditures for ten years of Democratic conservative rule before the war, beginning with the fiscal year ended June 30, 1852, up to and including fiscal year ended June 30, 1861, both inclusive, we find them to have been but five hundred and seventy-two millions eight hundred and seventy-six thousand two hundred and sixty dollars and fifty-two cents (**$572,876,260.52**). Compare that period with expenditures for like items during the ten years of Radical rule in time of peace—from fiscal year ended June 30, 1867, to and including fiscal year ended June 30, 1876—which were one billion five hundred and twenty-eight millions nine hundred and thirty-seven thousand one hundred and thirty-seven dollars and eighty-seven cents (**$**1,528,937,137.87) and we discover an

EXCESS OF REPUBLICAN EXPENDITURES OF NINE HUNDRED AND FIFTY-SIX MILLIONS SIXTY THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN DOLLARS AND THIRTY-FIVE CENTS,

an increase in ten years of Republican rule in the items of net ordinary expenditures alone, of more than *one hundred and seventy per cent.*, comparing ten years of peace before 1861 with ten years of peace after 1867! THE AVERAGE PER ANNUM of these net ordinary expenditures for the ten years of Republican rule—in time of peace—reached the sum of one hundred and fifty-two millions eight hundred and ninety-three thousand seven hundred and thirteen dollars and seventy-eight cents (**$152,893,713.78**), whilst the same items of net ordinary expenditures for the ten years of Democratic rule above-named averaged only fifty-seven millions two hundred and eighty-seven thousand six hundred and twenty-six dollars and five cents (**$57,287,626.05**). This shows that, comparing two decades of profound peace, the net ordinary expenditures of the government, exclusive of the public debt, interest, principal and premiums, and exclusive also of pensions, under a decade of Republican rule, were nearly THREE TIMES AS LARGE AS FOR THE LAST DECADE OF DEMOCRATIC CONSERVATIVE RULE.

Taking the censuses of 1860 and 1870 respectively as the bases for calculation, it appears that these same net ordinary expenditures under the same decade of Radical rule in time of peace amounted to thirty-nine dollars and sixty-five cents (**$39.65**) PER CAPITA, whilst the same items of expenditure for the last decade of Democratic conservative rule amounted to but eighteen dollars and twenty-six cents (**$18.26**) PER CAPITA, or an excess of one hundred and seventeen (117) per cent.* against the Republican party.

EXTRAVAGANCE IN EVERY BRANCH OF THE SERVICE.

The official record shows that the extravagant and criminal increase of expenditures occurred in every branch of the service.

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* See table marked A, p. 508.

IN THE WAR DEPARTMENT.

For instance, the regular army was largely increased—not during but after the war—and the cost of maintaining it per man was greatly augmented. The expenditures during this decade of Radical rule, for that branch of the service were **$593,000,000** as against the sum of **$169,000,000** under the last decade of Democratic conservative rule, showing a difference for ten years against the Radical party of $424,000,000, being an increase of more than one hundred and ninety-one per cent.

IN THE NAVY DEPARTMENT.

The expenditures for the decade ending June 30th, 1876, for maintaining a so-called navy, were $234,000,000, as against but $123,000,000 for the last Democratic decade, a difference against Radical rule of $111,000,000; being an increase of more than eighty-nine per cent.

IN THE INDIAN DEPARTMENT.

The Indian Ring held full sway during this decade of Radical rule, and expended **$62,500,000**, as against **$32,500,000** expended on account of the Indian service during the last ten years of Democratic rule, a difference against Republican rule of **$30,000,000**; being an increase of more than ninety-three per cent.

THE CIVIL AND MISCELLANEOUS EXPENDITURES

for these ten years of Radical rule amounted to the enormous sum of **$638,000,000**, as against but **$247,000,000** expended during the last ten years of Democratic rule, showing an INCREASE UNDER REPUBLICAN RULE OF **$391,000,000** IN TEN YEARS, IN THE CIVIL AND MISCELLANEOUS EXPENDITURES; being an increase of more than one hundred and fifty-eight per cent.

RECAPITULATION OF COMPARISON OF A DECADE OF DEMOCRATIC RULE WITH A DECADE OF RADICAL RULE.

Average per annum of ten years of Democratic rule, June 30, 1852. to June 30, 1862...	$57,277,226.05
" " " " " Radical rule, June 30. 1867, to June 30, 1376.......	152,893,713.78
Cost *per capita* of ten years of Democratic rule, from June 30, 1852, to June 30, 1861...	18.26
" " " " Radical rule, June 30, 1867, to June 30, 1876	39.65

The above is, as already stated, for net ordinary expenditures alone, exclusive of public debt, interest, premium, and exclusive also of pensions.

The following table, marked A., gives the aggregate for the years and purposes named and is compiled from the official report of the Secretary of the Treasury.

TABLE A.

Net Ordinary Expenditures of the United States, exclusive of Public Debt, Premiums, Interest and Principal, and exclusive also of Pensions, for ten years, June 30, 1852, to June 30, 1861, both inclusive, and for ten years from June 30, 1867, to June 30, 1876, both inclusive:

TITLE.	Ten years of Radical rule—June 30, '67 to June 30, '76—both fiscal years inclusive.	Ten years of Democratic rule—June 30, '52, to June 30, '61—both fiscal years inclusive.	Increase of 10 years Radical rule over 10 years Democratic rule for same periods.
War.....................	$593,629,479 43	$169.132,248 55	$424,497,230 88
Navy	234,191,119 10	123,476,351 20	110,714,767 90
Indians....................	62,678,183 52	32,571,486 75	30,106.696 77
Civil and Miscellaneous..	638,438,355 82	247,592,174 02	390,846,181 80
Total................	$1,528,937,137 87	$572,772,260 52	$956,164,877 35

EXPENDITURES OF 1860 COMPARED WITH 1875.

Additional comparisons of Democratic economy with Republican extravagance are here appended.

The last fiscal year of Democratic administration was that ending June 30, 1860. The net ordinary expenses of the government for that year, exclusive of pensions and public debt and interest, were $58,955,952.

These expenses, stated in detail, were (omitting cents):

For the War Department	$16,472,202
" Navy "	11,514.649
" Indian "	2,991,121
" Miscellaneous or civil	27,977,973

Now compare these expenditures with those of the last year in which the Republican party had unlimited control, the fiscal year ending June 30, 1875. The net ordinary expenses for the government for that year, (exclusive of pensions, public debt and interest), were $142,073,632, being $83,117,682 in excess of the last year of Democratic administration; or, in other words, the Republican expenditures were nearly two and a half times as great as the Democratic expenditures.

But it may be said that our population was much greater in 1875 than it was in 1860, and that this accounts for the increased expenses of government. This explanation will not suffice. The population in 1860 was 31,443,321, and the expenditures were at the rate of $1.87½ *per capita.* In 1875 the population, as nearly as it can be estimated, was 43,000,000, and the expenditures were at the rate of $3.30 *per capita.*

Again, it may be said, that the increase of expenses grew out of the war. This explanation will not answer. In the figures given, and those hereafter given, we exclude the expenditures occasioned by the war—namely, pensions, the public debt and the interest thereon—and confine the comparison to the ordinary expenses of government, namely, the cost of the War, Navy, Indian and Civil Departments in time of peace. The increase in these departments is shown in the following table:

DETAILS.

	1860.	1875.	Increase.
War Department	$16,472,202	$41,120,645	$24,648,443
Navy	11,514,649	21,497,626	9,982,977
Indian	2,991,121	8,384,656	5,393,535
Miscellaneous or civil	27,977,978	71,070,702	43,092,724
Increase			$83,117,679

But it may be said that the comparison should not be of a single year with a single year, because special circumstances might make such a comparison unfair, and that the only fair mode is to compare a period of several years with a like period.

SEVEN YEARS BEFORE THE WAR COMPARED WITH SEVEN YEARS SINCE THE WAR.

Let us take a period of seven years of Democratic administration, and compare it with a like period of Republican administration—both periods being years of profound peace. Let us take the seven fiscal years commencing July 1, 1853, and ending June 30, 1860, when the Democracy were in power, and compare them with the seven fiscal years commencing July 1, 1868 (three years after the close of the war), and ending June 30, 1875, when the Republicans had unlimited control; and what is the result? The following table shows it:

July 1, 1853, to June 30, 1860, seven years—

ORDINARY EXPENDITURES, LESS PENSIONS.

Fiscal year ending June 30, '54	$50,734,863
" " '55	54,838,585
" " '56	65,476,298
" " '57	64,730,763
" " '58	71,110,669
" " '59	65,133,728
" " '60	58,955,952
	$430,980,858

Average annual expenditure, $61,568,694.
Expenditure per capita, $1.94.

July 1, 1868, to June 30, 1875, seven years—

Fiscal year ending	June 30,	'69	$162,019,733
"	"	'70	136,081,305
"	"	'71	123,139,933
"	"	'72	124,668,454
"	"	'73	151,129,210
"	"	'74	165,080,570
"	"	'75	142,073,632
			$1,004,192,837

Average annual expenditure, $143,456,119.
Expenditure per capita, $3.45.

All these figures are derived from official sources, and it appears by them that the average annual ordinary expenses of government in seven years of Democratic rule were $61,568,694, while the like average annual expenses in seven years of Republican rule were $143,456,119, being an average annual excess under Republican administration of $81,887,425.

And this excess cannot be explained by the increase of population, for the expense *per capita* in the seven Republican years was $3.45, while in the seven Democratic years it was $1.94.

Nor can it be explained as necessarily resulting from the war; for there are excluded from the comparison expenses caused by it—namely, pensions, public debt and interest thereon; and the first of the seven Republican years taken was the third year after the war.

EXTRAVAGANT INCREASE OF EXPENDITURES—THEY GROW GREATER AS WE RECEDE FROM THE WAR PERIOD.

An examination of the net ordinary expenditures of the government (excluding always the public debt, interest, principal and premiums, and also excluding pensions) shows a reckless increase as we recede from the war period which is totally inexcusable. And this increase continued up to the advent of the Democratic House of Representatives in 1875. For example, the expenditures for these purposes named were for the fiscal year ended June 30, 1871, one hundred and twenty-three millions one hundred and thirty-nine thousand nine hundred and thirty-two dollars, and in 1876 one hundred and thirty-six millions six hundred thousand four hundred and seventeen dollars—an increase of thirteen millions, four hundred and sixty thousand, four hundred and eighty-five dollars and sixty seven cents ($13,460,485.67), whilst the expenditures for like items for the fiscal year ended June 30, 1874, were one hundred and sixty-five millions eighty thousand, five hundred and seventy dollars, being an increase over the year 1871 of forty-one million nine hundred and forty thousand six hundred and thirty-eight dollars and thirty-four cents ($41,940,638.34).

So it will be seen that the Republican Congresses and administrations constantly increased the expenditures from year to year, after the close of the war, and at the same time, that the purchasing power of money was continuously augmenting! The following is a statement of the net ordinary expenditure of the government (excluding public debt, principal, interest and premiums, and excluding also pensions) from the fiscal year ended June 30, 1871, to the fiscal year ended June 30, 1876, being years appropriated for by a Republican Senate and House of Representatives.

Net ordinary expenses exclusive of public debt and pensions:

For the fiscal	year	1871	$123,139,932.00
"	"	1872	124,668,453.43
"	"	1873	151,129,210.04
"	"	1874	165,080,570.34
"	"	1875	142,073,632.05
"	"	1876	136,600,417.67

EXPENDITURES APPROPRIATED FOR BY THE FORTY-SECOND AND FORTY-THIRD CONGRESSES, COMPARED WITH FORTY-FOURTH AND FORTY-FIFTH—DEMOCRATIC HOUSE REDUCTIONS.

In December, 1875, a Democratic House of Representatives came into power, and the attempt was successfully made to cut down extravagant expenditures. The first fiscal years appropriated for by this Democratic House were those ending June 30, 1877, and June 30, 1878. Let us compare these with the two previous years appropriated for by a Congress Republican in both branches.

The actual net ordinary expenditures, exclusive of the public debt, principal, premiums and interest, and exclusive also of pensions appropriated for by the Forty-third Congress and the Forty-fourth Congress, are as follows:

Republican Forty-third Congress.		Forty-fourth Congress, Democratic House.	
1875	$142,073,632.05	1877	$116,246,211.01
1876	136,600,417.67	1878	107,326,433.07
Total	$278,674,049.72	Total	$223,572,644.08

Here, then, we have stated for each fiscal year the actual net ordinary expenditures for the years 1875 and 1876 under the appropriations made by a Republican Congress, against which we place the expenditures for the same purposes for the years 1877 and 1878, under the influence of a Democratic House, showing an actual saving of **$55,101,404.64**, made under the greatest difficulties placed in the way of retrenchment by a Republican Senate and a Republican administration.

Now let us compare the expenditures appropriated for by the Forty-second Congress, Republican in both branches, and the Forty-fifth Congress, when the House was Democratic: The actual net ordinary expenditures, exclusive of the public debt, principal, premiums and interest, and exclusive also of pensions, appropriated for by the Forty-second and Forty-fifth Congresses, are as follows:

Republican Forty-second Congress.		Forty-fifth Congress, Democratic House.	
1873	$151,129,210.04	1879	$126,498,452.14
1874	165,080,570.34	1880*	131,994,037.17
Total	$316,209,780.38	Total	$258,492,489.31

This exhibits a DECREASE *of fifty-seven millions seven hundred and seventeen thousand* dollars in round numbers, or, to be exact, of **$57,717,291.07**.

ECONOMY INAUGURATED BY DEMOCRATIC HOUSE.

Taking the saving effected by the Democratic Houses of the Forty-fourth and Forty-fifth Congresses over the expenditures of the Forty-second and Forty-third Congresses, when both branches were Republican, and adding them together, the total exhibits a SAVING OF ONE HUNDRED AND THIRTEEN MILLIONS OF DOLLARS in round numbers (or, to be exact, of $112,818,695.71), in the four years, 1877, 1878, 1879 and 1880, as compared with the previous four years, 1873, 1874, 1875 and 1876.

DEMOCRATIC REDUCTIONS IN APPROPRIATIONS IN THE FACE OF A REPUBLICAN SENATE AND EXECUTIVE.

So far we have been treating of actual expenditures only. This does not exhibit, however, all the reductions that were attempted by the Democratic House, but represents only the amounts of reduction wrung from a Republican Senate and Executive after repeated struggles and after most serious opposition in the Republican House, Mr. James A. Garfield being a conspicuous opponent on the floor of the House. In treating of these appropriations at present, we shall only speak of the eleven great appropriation bills, viz.: the Military Academy, Fortification, Consular and Diplomatic, Navy, Post-Office, Pension, Indian, Army, Legislative, Executive and Judicial, Sundry Civil, and River and Harbor Bills. The Deficiency and Miscellaneous Bills will be treated of hereafter, and will show a still greater reduction.

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* Partly estimated. This includes the bills passed at the first session Forty-sixth Congress, which failed to become laws in Forty-fifth Congress.

These eleven great bills for the years 1877, 1878, 1879 and 1880, and 1873, 1874, 1875 and 1876, appropriated the following amounts:

42d Congress Republican	1873	$160,320,113.11	44th Congress Dem. House	1877	$145,997,956.72
	1874	181,587,054.61		1878	140,384,606.95
43d Congress Republican	1875	177.679,473.77	45th Congress *Dem. House	1879	157,213,933.77
	1876	172,600,205.53		1880	156,970,248.71
Total		$692,186,847.02	Total		$600,566,746.15

These figures, taken from the official records, exhibit a REDUCTION EXCEEDING NINETY-ONE MILLIONS OF DOLLARS, secured by the efforts of the Democratic House of Representatives in four years in these eleven bills alone, the exact figures being $91,620,100.87.

Great as these reductions were for a period of four years, they by no means represent all that was attempted by the Democratic House of Representatives in the Forty-fourth and Forty-fifth Congresses. Every measure of economy proposed by the House was fiercely fought by the Republicans in the House at every stage, and a Republican Senate, backed by a Republican administration, refused to sanction the economical measures proposed by the Democratic House. The following, in brief, is a statement of the

RECORD OF ATTEMPTED REDUCTIONS

by the Democratic House in these eleven bills:

For the fiscal year ended June 30, 1877:	
Estimates of Departments	$200,375,553 78
Appropriations as passed the House	138,080,856 68
Appropriations as increased by the Senate	157,419,767 36
Appropriations as reduced by the House	145,997,956 72
For the fiscal year ended June 30, 1878:	
Estimates of Departments	184,182,005 14
Appropriations as passed the House	131,309,307 37
Appropriations as increased by the Senate	148.988,885 75
Appropriations as reduced by the House	140,384,606 95
For the fiscal year ended June 30, 1879:	
Estimates of Departments	176,226,348 31
Appropriations as passed the House	147,687,739 94
Appropriations as increased by the Senate	161,852,269 41
Appropriations as reduced by the House	157,213,933 77
For the fiscal year ended June 30, 1880:	
Estimates of Departments	159,861,836 58
Appropriations as passed the House	153,331,949 01
Appropriations as increased by the Senate	160,475,194 97
Total Estimates of Departments for 1877, 1878, 1879 and 1880	720,645,743 81
Total as passed Democratic House for 1877, 1878, 1879 and 1880	574,048,152 70
Total as increased by Republican Senate for 1877, 1878, 1879 and 1880	628,736,117 49
Total as reduced by Democratic House for 1877, 1878, 1879 and 1880	600,566,746 15

†Included bills passed at extra session Forty-sixth Congress.

If the Republican Senate had concurred with the Democratic House in passing these bills as they originally passed the House, there would have been

A SAVING OF **$146,597,591.11.**

as compared with the profligate estimates and demands of the Republican officials, while there would have been an

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*Includes bills passed at extra session 46th Congress.

†Appropriations as reduced by the House 156,970,248 71

ACTUAL SAVING OF **$118,138,694.32.**

in these eleven bills for four years—1877, 1878, 1879 and 1880—as compared with the appropriations in the same eleven bills for the years 1873, 1874, 1875 and 1876.

APPROPRIATIONS MADE AT SECOND SESSION, FORTY-SIXTH CONGRESS, FOR FISCAL YEAR ENDING JUNE 30, 1881.

The book of estimates is made up from the estimates made by the various departments, and is sent to the Secretary of the Treasury for revision and approval. It is then presented to Congress at the beginning of each regular session, as the estimates of the administration for appropriations necessary to defray the expenses of the government for the incoming fiscal year. Congress is in no way responsible for the *expenditures*, and yet, at the end of each fiscal year, the administration brings in long lists of deficiencies, which represent expenditures made by the administration in excess of the appropriations and in violation of law.

The regular estimates presented to Congress through the Secretary of the Treasury for the fiscal year ending June 30, 1881, amount to $184,559,042.17, to which must be added the sum of $8,500,000.00 for estimates sent in by the administration to the Committeee of Appropriations, and the sum of $11,000,000.00 sent in to the Committee on Commerce at various times, thus swelling the grand total of estimates for the fiscal year ending June 30, 1881, to $204,059,042.17. The thirteen great appropriation bills, viz.: The Pension, Military Academy, Fortifications, Consular and Diplomatic, Navy, Post-Office, Indian, Army, Legislative, Executive and Judicial, Sundry Civil, River and Harbor, District of Columbia, and Agricultural (the last two appearing for the first time as separate bills), amounted to $168,730,945.04. All the appropriations made (including miscellaneous) for all net ordinary expenses, arrears of pensions, etc., and excluding only permanent annual appropriations for the public debt, the total for the fiscal year ending June 30, 1880, were $186,404,959.30, while the estimates amounted to $204,059,042.17. Thus the estimates of the Republican departments exceeded the appropriations by $17,654,082.87. This reduction was secured by Democratic votes, the Republicans uniformly arguing and voting for increased expenditures.

From this grand total of appropriations, $186,404,959.30, the sum of at least $18,000,000.00 should be deducted, as having been appropriated for unusual or exceptional objects, not annually provided for, such as the item of $14,000,000.00 for arrears of pensions, $218,000.00 to provide clerical force connected with the arrears of pensions, &c. Of the whole amount appropriated, $26,826,000 was for the arrears of pensions. In addition, another unusual item, not occurring annually, amounts to $2,960,000, for taking the census, and there are additional unusual items for monuments, military posts, etc., making the sum total of unusual items amount to $18,000,000.00, which, taken from the grand total, leaves $168,404,959.30 as the sum of the net ordinary appropriations (including certain deficiencies) for the next fiscal year.

If the sum of one-half million, which is in excess of the usual appropriations for new public buildings, and of $3,000,000, which is in excess of the average amount appropriated for rivers and harbors in the Forty-third and other Congresses, should be added to the $18,000,000 of extraordinary appropriations, we would then have $21,500,000 of unusual appropriations, which, deducted from the grand total, would leave less than $165,000,000 as the true net ordinary appropriations for the next fiscal year. In this sum of $165,000,000 more than liberal allowances are made for public buildings, national cemeteries, life-saving service, light-houses and Federal courts. The net ordinary appropriations for the first year of the Forty-third Congress, the last term that the distinguished gentleman from Ohio, now the Republican nominee for President, served as Chairman of the Committee on Appropriations in this House, were $184,304,789.08. The appropriations, ordinary and extraordinary, amount to $186,405,058, from which deduct, for reasons just given, $21,500,000, and there remains $164,905,058, or nearly $20,000,000 less for the net ordinary appropriations for 1881 than were appropriated for 1875.

It is proper to place in the same category of "unusual or extraordinary" the item of $1,200,000 of deficiency for star service, so called, which would have brought down the appropriations for net ordinary expenditures, including those less abnormal and vastly more legitimate, to $163,705.58. In making these appropriations due and scrupulous regard has been had to the proper and legitimate demands of the public service. No estimate has escaped notice and scrutiny, and without partisan or other prejudice every consideration has been given to the facts in each case, and such appropriations have been made as the needs of the public service in every branch of it seemed to require. Large increases were made in the pension, adjutant-general's, surgeon-general's and second auditor's offices each, on account of the disposition of Congress to facilitate those Bureaus in expediting the adjustment and settlement of the claims of soldiers for pensions and bounties. Some additions were made to the force in the Patent Office to facilitate the work in that bureau in perfecting and issuing patents to the inventors of our country, who seem to excel the citizens of all other countries in their inventive genius and skill. In the Post-Office Department a heavy increase of force has been made, owing to the immense growth and expansion of that most important branch of the public service ; the growth being now about 14 per cent., as against a year or two back, when it was about 7 per cent. Considerable increase has been made in the appropriations for the Internal Revenue Bureau on account of its growth and its constantly augmenting incomes. So in other branches some increase has been made, but in no instance has more been granted by the House than has been asked by the government; where the force has been wanted to facilitate the settlement of pension claims all demands of the departments have been fully met by Congress.

REDUCTIONS IN ONLY POLITICAL DEPARTMENT CONTROLLED BY THE DEMOCRATS.

It is well known that the Folding Room of the House of Representatives was used by the Republicans for their party purposes. It is there where frankable speeches and documents are folded during a campaign. An examination of the subjoined table shows the great reduction made by the Democratic House in this item.

Statement showing the cost of employees, and for folding, of the House of Representatives, for the Forty-second, Forty-third, Forty-fourth and Forty-fifth Congresses; the first two were Republican, and of the last two the House was Democratic.

	42d Congress.	43d Congress.	Total. 42d & 43d Congresses	44th Congress.	45th Congress.	Total 44th & 45th Congresses.	Reduction made by 44th & 45th Congresses.
Folding Documents.	$237,000	$97,150.49	$334,150.49	$44,250	$62,800	$107,050	$227,100.49

For example: Take the Forty-second Congress, which began in December, 1871, and ended in March, 1873. This Congress was the one which sat during the year of the Presidential election of 1872, and in the Folding Room was done the campaign work of the Republican party. In that Congress the Folding Room cost $237,000, whilst the Folding Room, as operated by the Democratic House of Representatives in the Forty-fourth Congress, during the Presidential election of 1876, cost but $44,250, a reduction of $192,750, or a reduction exceeding four hundred and thirty-five per cent.

The aggregate of the expenses of the Folding Room of the House of Representatives for the Forty-second and Forty-third Congresses—both Republican—reached $334,150.49, whilst that for the Democratic House of Representatives for the Forty-fourth and Forty-fifth Congresses aggregated but $107,050, a reduction of $227,100.49.

APPROPRIATIONS FORTY-SECOND AND FORTY-THIRD CONGRESSES.

Detailed statement of the 11 Appropriation Acts for the fiscal years 1873, 1874, 1875 and 1876, passed by the Forty-second and Forty-third Congresses (Republican in both branches), **JAMES A. GARFIELD** then being Chairman of the Committee of Appropriations.

TITLE OF ACT.	Fiscal Year. 1873.	Fiscal Year. 1874.	Fiscal Year. 1875.	Fiscal Year. 1876.	Aggregate for fiscal years '73, '74, '75 and '76.
Military Academy...	$326,101 32	$344.317 56	$339,835 00	$364,740 00	$1.374,993 88
Fortifications	2,037,000 00	1,899,000 00	904,000 00	850,000 00	5,690.000 00
Consular & Diplomatic	1.219,659 00	1,311.359 00	3,404,804 00	1,374,985 00	7,310.807 00
Navy..................	18,296,733 95	22,276.257 65	20,813,946 20	17,001,006 40	78,387.944 20
Post-Office............	28,519,341 84	32,529.167 00	35,756,091 00	37,524.985 00	134.329.584 84
Pensions............ .	30,480,000 00	30,480,000 00	29,980,000 00	30,000.000 00	120.940.000 00
Indian	6.349,462 04	5,541,418 90	5,680.651 96	5,360,554 55	22.932.087 45
Army..................	28,683,615 32	31,796,008 81	27,788,500 00	27,933,830 00	116,201,954 13
Legislative, Executive, and Judicial........	18,671,785 74	17,120,496 60	20,783,900 80	18,902,236 99	75,478.420 13
Sundry Civil..........	20,148,413 90	32,186,129 09	27,009,744 81	26,644,350 09	105.988,637 89
River and Harbor.....	5,588.000 00	6,102,900 00	5,218,000 00	6,643,517 50	23,552,417 50
Total	$160,320,113 11	$181,587,054 61	$177,679,473 77	$172,600,205 53	$692,186,847 02

APPROPRIATIONS FIRST SESSION FORTY-FOURTH CONGRESS.

History of the eleven Appropriation Bills for the support of the Government for the fiscal year ended June 30, 1877, *passed at the first session of the Forty-fourth Congress.*

Title of Bills.	Estimates of Departments.	Bills as passed , the House.	Bills as passed the Senate.	Law for 1877.
Military Academy	$487,470 00	$259,231 00	$308,841 00	$290,065 00
Fortifications..........................	3,406,000 00	315,000 00	315,000 00	315.000 00
Consular and Diplomatic.............	1,352,485 00	912,747 50	1,341,647 50	1,187,197 50
Navy	20,871,666 40	12,432,855 40	14,857,855 40	12,742,155 40
Post-Office	37,939,805 99	33,739,109 00	36,796,850 00	34,585.701 00
Pensions....	29,533,500 00	29,533,500 00	29,533,500 00	29,533,500 00
Indian....	5,787,995 60	3,979,602 11	4,958,361 27	4,572,762 01
Army	33,348,740 50	28.179.819 52	27,715,877 20	25,987.167 90
Legislative, Executive and Judicial....	20,836,307 00	12,998.815 61	16,635,338 00	15,417,933 33
Sundry Civil	32,560,475 29	14.857.326 54	19,956,496 99	16,351.474 58
River and Harbor..	14,301,100 00	5,872,850 00	5,000,000 00	5,015,000 00
Total	$200,425,545 78	$143,080,856 68	$157,419,767 36	$145,997,956 72

APPROPRIATIONS SECOND SESSION FORTY-FOURTH CONGRESS.

History of the eleven Appropriation Bills for the support of the Government for the fiscal year ended June 30, 1878, *passed at the second session of the Forty-fourth Congress.*

Title of Bills.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1878.
Military Academy	$395,080 00	$265,161 00	$299,505 00	$286,604 00
Fortifications,	2,828,000 00	250,000 00	350,000 00	275,000 00
Consular and Diplomatic	1,245,997 00	1,137,085 00	1,138,097 50	1,138,374 50
Navy	19,430,012 69	12,497,952 40	17,049,452 40	13,541,024 40
Post-Office	36,723,432 43	32,221,618 00	34,993,590 00	33,584,143 00
Pension	28,533,000 00	28,533,500 00	28,538.500 00	28,533,000 00
Indian	5,342,890 12	4,439,499 12	5,154,935 69	4,829,865 69
Army	31,896,915 90	21,993,749 00	26,188,870 50	25,612,500 00
Legislative, Executive and Judicial	18,192,431 68	14,523,935 50	16,311,986 89	15,450,345 30
Sundry Civil	26,974,105 82	15,446,807 35	18,968,947 77	17,133,750 06
River and Harbor	13,220,100 00	....	....	....
Total	$184,182,005 14	$131,309.307 37	$148,988,885 75	$140,384,606 95

APPROPRIATIONS FIRST AND SECOND SESSIONS FORTY-FIFTH CONGRESS.

History of the eleven Appropriation Bills for the support of the Government for the fiscal year ending June 30, 1879, *passed by the Forty-fifth Congress, first and second sessions.*

Title of Bills.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1879.
Military Academy	$540.425 00	$265,155 00	$348,621 46	$282.805 00
Fortifications	850,000 00	275,000 00	275.000 00	275,000 00
Consular and Diplomatic	1,214,397 50	1,038,435 00	1,120,635 00	1,076,135 00
Navy	16,233,234 40	14.038,684 00	14,249.528 70	14,151,603 70
Post-Office	36,427,771 00	33 140,373 00	33,996,373 00	33,256,373 00
Pensions	29,500,000 00	29,371,574 00	29,406,574 00	29,371,574 00
Indian	5,415,891 20	4,769,475 70	4,721,475 70	4,721,275 70
Army	31,597,270 68	24,913,787 18	25,937,986 01	25,583,186 01
Legislative, Executive and Judicial	16,205,572 41	14,991,370 00	15.598,184 00	15,438,881 30
Sundry Civil	24,939,186 12	17,590,786 06	27,851,891 54	24,750,100 06
River and Harbor	13,302,600 00	7,293,700 00	8,346,000 00	8,307,000 00
Total	$176,226,348 31	$147,687,739 94	$161,852,269 41	$157,213.933 77

APPROPRIATIONS THIRD SESSION FORTY-FIFTH CONGRESS.

History of the principal Appropriation Bills, 1879–80, *passed at the third session of the Forty-fifth Congress, and the first session of the Forty-sixth Congress.*

Title.	Estimates.	As passed House.	Pass'd Senate.	Law for 1880.
Military Academy	$411,790 09	$316,647 33	$322,347 33	$319.547 33
Fortifications	1,000,000 00	275.000 00	500,000 00	275,000 00
Consular and Diplomatic	1,178,635 00	1,045,735 00	1,127,835 00	1,087,835 00
Navy	14,187,381 45	14,018,468 95	14,104,968 95	14,029,968 95
Post-Office	36,571,900 00	35,914,400 00	37,348,400 00	36,121,400 00
Pension.	29,616,000 00	29,366,000 00	29,366,000 00	29,366,000 00
Indian	4,933,244 20	4,681,278 58	4,740,035 83	4,713,478 58
Army	29,084,500 00	26,747,300 00	26,797,300 00	26,797,300 00
Legislative, &c	16,520,601 91	18,184,553 60	18,484,823 81	16,287,457 73
Sundry Civil	21,342,783 93	16,945,965 55	19,690,384 05	18,394,766 51
River and Harbor	5,015,000 00	5,836,600 00	7,993,100 00	9,577,494 61
Total	$159,861,836 58	$153,331,949 01	$160,475,194 97	$156,970,248 71

FORTY-FOURTH AND FORTY-FIFTH CONGRESSES.

Aggregate of the 11 great Appropriations Bills passed by the Forty-fourth and Forty-fifth Congresses (Democratic House of Representatives), appropriating for the fiscal years ended June 30, 1877, 1878, 1879, and 1880, showing: 1st. Estimates of the Departments; 2d. Bills as they passed the Democratic House; 3d. Bills as increased by the Republican Senate; 4th. Bills as finally enacted.

TITLE OF ACT.	1 1877, 1877, 1879, 1880. Estimates of the Departments.	2 1877, 1878, 1879, 1880. Bills as passed the House.	3 1877, 1878, 1879, 1880. Bills as passed the Senate.	4 Laws for 1877, 1878, 1879, 1880.
Military Academy	$1,784,765 00	$1,106,194 33	$1,279,314 79	$1,179,021 33
Fortifications	7,484,000 00	1,115,000 00	1,440,000 00	1,140,000 00
Consular and Diplomatic	4,991,505 00	4,134,002 50	4,728,215 00	4,489,542 00
Navy	70,722,294 94	52,987,960 75	60,264,805 45	54,464,752 45
Post-Office	147,662,909 42	135,015,500 00	143,135,213 00	137,547,617 00
Pensions	117,182,500 00	116,804,574 00	116,839,594 00	116.804,074 00
Indian	21,480,030 12	17,869.855 51	18,863.932 23	18,837,381 98
Army	125,937,435 08	96,834.655 70	106,640.033 71	103,980,153 91
Legislative, Executive & Judicial	71,754,913 00	60,698,674 71	67,030,332 70	62,594,617 66
Sundry Civil	105,816,581 16	64,840,285 50	86,467.720 35	76,630,091 21
River and Harbor	45,838,800 00	19,003,150 00	21,279,100 00	22,899,494 61
Total	$720,655,733 72	$570,409,853 00	$627,968,261 23	$600,566,746 15

DEMOCRATIC HOUSE REDUCTIONS.

Aggregate of Reductions in the 11 great appropriations for the support of the government for the fiscal years 1877, 1878, 1879 and 1880 (passed by a Democratic House), showing :

1st, Reductions made in bills as originally passed the House of Representatives under the amounts estimated for by the Departments ; 2d, The amounts added by the Republican Senate ; 3d, Reductions under amounts appropriated for the years 1873, 1874, 1875 and 1876, Congress then being Republican in both branches.

TITLE OF ACT.	Reductions made by the House under the Amount Estimated for by the Departments.	Amounts added to the House Bills by the Senate.	House Reductions for four years; 1877, 1878, 1879 and 1880. Under four years; 1873, 1874, 1875 and 1876
Military Academy	$678,570 67	$173,120 46	$268,799 55
Fortifications	6,369,000 00	325,000 00	4,575,000 00
Consular and Diplomatic	857,502 50	594,212 50	3,176,804 50
Navy	17,734,334 19	7,276,844 70	25,399,983 45
Post-Office	12,647,409 42	8,119,713 00	*
Pensions	377,926 00	35.020 00	4,135,426 00
Indian	3,610,174 61	994,076 72	5,062,231 94
Army	29,102,779 38	9,805,378 01	19,367,298 43
Legislative, Executive and Judicial	11,056,238 29	6,331,657 99	14,779,745 42
Sundry Civil	40,976,295 66	21,627,434 85	41,148,352 39
River and Harbor	26,835.650 00	2,275,950 00	4,549,267 50
	$150,245,880 72	$57,558,408 23	$122,462,909 18
Less increase			*685,915 16
			$121,776,994 02

DEMOCRATIC LAW REDUCTIONS.

For the 44th and 45th Congress (Republican Senate and Democratic House of Representatives), in the appropriations for the fiscal years ended June 30, 1877, 1878, 1879 and 1880.

1.—Under the amounts estimated for by the Republican administration.

2.—Increased amounts added by the Republican Senate to the bills as they passed the Democratic House.

3.—Actual reductions in the laws for 1877, 1878, 1879 and 1880 under laws for 1873, 1874, 1875 and 1876.

Title of Acts.	1. Reduction under the amounts estimated for by the Deparments, for the fiscal years ended June 30, 1877, 1878, 1879 and 1880.	2. Increased amount secured by action of the Senate over bills as passed by the House for fiscal years ended June 30, 1877, 1878, 1879 and 1880.	3. Reductions in laws for 1877, 1878, 1879 and 1880, under laws for 1873, 1874, 1875 and 1876.	Increase.
Military Academy	$605,743 67	$72,827 00	$195,972 55	
Fortifications	6,344,000 00	25,000 00	4,550,000 00	
Consular and Diplomatic	501,963 00	355,539 50	2,821,265 00	
Navy	16,257,542 49	1,476,791 70	23,923,191 75	
Post-Office	10,115,292 42	2,532,117 00	....	$3,218,032 16
Pension	378,426 00	*......	4,135,926 00	
Indian	2,642,648 14	967,526 46	4,094,705 47	
Army	21,957,281 17	7,145.498 21	12 221,800 22	
Legis., Ex. and Judicial	9,160,295 34	1,895,942 95	12,883.802 47	
Sundry Civil	29,186,489 95	11,789,805 71	29,358,546 68	
River and Harbor	22,939,305 39	3,896,344 61	652,922 89	
	$120,088,987 57	$30,157,393 15	$94,838.133 03	$3,218,032 16
		Less increase..	3,218,032 16	
		Net Reduction.	$91,620,100 87	

*$500. 00 decrease.

APPROPRIATIONS FOR THE UNITED STATES GOVERNMENT.—STATEMENT SHOWING THE AMOUNT APPROPRIATED UNDER EACH OF THE VARIOUS APPROPRIATION BILLS FOR EACH OF THE FISCAL YEARS SINCE 1868 UNTIL 1881, BOTH INCLUSIVE.

TITLE OF BILLS.	1868.	1869.	1870.	1871.	1872.	1873.	1874.
Legislative, &c.	$23,400,191 89	$17,906,317 09	$20,354,774 76	$18,949,258 40	$19,518,229 24	$18,671,785 74	$17,120,496 60
Military Academy	368,913 00	276,512 00	274,488 88	314,869 20	316,269 50	326,101 32	344,317 56
Army	23,874,454 00	33,082,093 00	33,350,893 20	29,321,367 22	27,719,580 00	28,683,615 32	31,796,008 81
Navy	16,288,244 01	17,356,350 00	15,832,246 00	19,250,290 29	19,832,317 25	18,296,733 95	22,276,257 65
Indian	3,042,003 86	3,847,528 45	6,121,004 81	6,324,164 16	5,448,540 96	6,349,462 04	5,541,418 90
Pensions	33,280,000 00	30,350,000 00	19,250,000 00	30,000,000 00	29,050,000 00	30,480,000 00	30,480,000 00
Post-Office	19,133,000 00	21,069,000 00	30,279,153 00	26,280,993 00	26,032,898 00	28,519,341 84	32,529,167 00
Consular and Diplomatic	1,425,451 00	1,212,434 00	1,110,734 00	1,041,347 00	1,466,134 00	1,219,659 00	1,311,359 00
Sundry Civil	5,307,191 38	8,174,979 66	9,976,228 81	13,447,721 70	24,161,773 86	20,148,413 90	32,186,129 09
Fortifications	1,290,000 00			1,311,500 00	1,627,500 00	2,037,000 00	1,899,000 00
Deficiencies	17,002,222 85	23,677,009 60	6,421,766 46	14,023,131 04	6,045,259 96	12,978,418 60	4,083,914 26
Rivers and Harbors	4,702,781 70		2,000,000 00	3,945,900 00	4,407,500 96	5,588,000 00	6,102,900 00
Miscellaneous	1,421,163 46	12,200,200 72	527,988 31	4,947,845 72	1,261,208 80	8,383,743 23	3,354,824 17
TOTAL	$150,535,620 15	$167,226,672 60	$145,499,278 23	$169,135,187 73	$166,887,211 57	$181,682,274 94	$189,025,793 04

TITLE OF BILLS.	1875.	1876.	1877.	1878.	1879.	1880.	1881.
Legislative, &c.	$20,783,900 80	$18,902,236 99	$15,417,933 33	$15,450,345 30	$15,430,781 30	$16,287,457 73	$16,274,223 59
Military Academy	339,835 00	364,740 00	290,065 00	286,604 00	282,805 00	319,547 33	316,234 28
Army	27,788,500 00	27,933,830 00	25,987,167 90	25,612,500 00	25,583,186 01	26,797,300 00	26,425,800 00
Navy	20,813,946 20	17,001,006 40	12,742,155 40	13,541,024 40	14,152,603 70	14,029,968 95	14,405,797 70
Indian	5,680,651 96	5,360,554 55	4,572,762 01	4,829,865 69	4,721,275 70	4,713,478 58	4,656,314 20
Pensions	29,980,000 00	30,000,000 00	29,533,500 00	28,533,000 00	29,371,574 00	29,366,000 00	32,404,000 00
Post-Office	35,756,091 00	37,524,361 00	34,585,701 00	33,584,143 00	33,256,373 00	36,121,400 00	39,093,420 00
Consular and Diplomatic	3,404,804 00	1,374,985 00	1,187,197 50	1,138,374 50	1,070,135 00	1,087,835 00	1,184,135 00
Sundry Civil	27,009,744 81	26,644,350 09	16,351,474 58	17,133,750 06	24,750,100 00	18,394,766 51	22,523,821 60
Fortifications	904,000 00	850,000 00	315,000 00	275,000 00	275,000 00	275,000 00	550,000 00
Deficiencies	4,703,699 18	2,908,177 09	2,745,480 97	11,962,013 02	4,633,000 00		6,351,014 04
Rivers and Harbors	5,218,000 00	6,643,517 50	5,015,000 00		8,307,000 00	9,577,494 61	8,929,500 00
Miscellaneous	1,921,614 13	1,862,929 19	5,647,505 84	1,262,061 31	1,572,659 00	4,389,788 46	2,000,000 00
District of Columbia							1,714,498 67
Agricultural							253,200 00
TOTAL	$184,304,787 08	$177,370,687 81	$154,390,943 53	$153,608,681 28	$163,406,493 27	$161,360,037 17	$177,081,959 08

FROM THE OFFICIAL REPORT OF THE SECRETARY OF THE TREASURY.

Statement of the Expenditures of the United States from March 4, 1789, to June 30, 1879, both inclusive.

Year.	War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures, without Pensions.	Pensions.	Net Ordinary Expenditures.
1791	$632,804 03		$27,000 00	$1,083,971 61	$1,743,775 64	$175,813 88	$1,919 589 52
1792	1,100,702 09		13,648 85	4.672,664 38	5,787,015 32	109,243 15	5,896,258 47
1793	1,130,249 08		27,282 83	511,451 01	1,668,982 92	80,087 81	1,749,070 73
1794	2,639,097 59	$61,408 97	13,042 46	750,350 74	3,463,899 76	81,399 24	3,545,299 00
1795	2,480,910 13	410,562 03	23,475 68	1,378,920 66	4,293,868 50	68.673 22	4,362.541 72
1796	1,260,263 84	274,784 04	113,563 98	801,847 58	2,450,459 44	100,843 71	2,551,303 15
1797	1,039,402 46	382,631 89	62,396 58	1,259,422 62	2,743,853 55	92,256 97	2,836,110 52
1798	2,009,522 30	1,381,347 76	16,470 09	1,139,524 94	4,546,865 09	104,845 33	4,651.710 42
1799	2,466,946 98	2,858,081 84	20,302 19	1,039,391 68	6,384,722 69	95,444 03	6,480,166 72
1800	2,560.878 77	3,448,716 03	31 22	1,337,613 22	7,347,239 24	64,130 73	7,411,369 97
1801	1,672,944 08	2,111,424 00	9,000 00	1,114,768 45	4,908,136 53	73,533 37	4,981,669 90
1802	1,179,148 25	915,561 87	94,000 00	1,462,929 40	3,651,639 52	85,440 39	3,737,079 91
1803	822,055 85	1,215,230 53	60,000 00	1,842,635 76	3,939,922 14	62,902 10	4,002,824 24
1804	875,423 93	1,189,832 75	116,500 00	2,191.009 43	4,372,766 11	80,092 80	4,452,858 91
1805	712,781 28	1,597,500 00	196,500 00	3,768,598 75	6,275.380 03	81,854 59	6,357,234 62
1806	1,224,355 38	1,649,641 44	234,200 00	2,890,137 01	5,998,333 83	81,875 53	6,080,209 36
1807	1,288.685 91	1,722,064 47	205,425 00	1,697,897 51	4,914,072 89	70,500 00	4,984,572 89
1808	2,900,834 40	1,884,067 80	213,575 00	1,423,285 61	6,421,762 81	82,576 04	6,504,338 85
1809	3,345,772 17	2,427,758 80	337,503 84	1,215,803 79	7,326.838 60	87,833 54	7,414,672 14
1810	2,294,323 94	1,654,244 20	177,625 00	1,101,144 98	5,227,338 12	83,744 16	5,311,082 28
1811	2,032,828 19	1,965,566 39	151,875 00	1,367,291 40	5,517,560 98	75,043 88	5,592,604 86
1812	11,817,798 24	3,959,365 15	277,845 00	1,683,088 21	17,738,096 60	91,402 10	17,829,498 70
1813	19,652,013 02	6,446,600 10	167,358 28	1,729,435 61	27,995,407 01	86,989 91	28,082,396 92
1814	20,350,806 86	7,311,290 60	167,394 86	2,208,029 70	30,037,522 02	90,164 36	30,127,686 38
1815	14,794,294 22	8,660,000 25	530,750 00	2,898,870 47	26.883,914 94	69,656 06	26,953,571 00
1816	16,012,096 80	3,908,278 30	274,512 16	2,989,741 17	23,184,628 43	188,804 15	23,373,432 58
1817	8,004,236 53	3,314,598 49	319,463 71	3,518,936 76	15,157,235 49	297,374 43	15,454,609 92
1818	5,622,715 10	2,953,695 00	505,704 27	3.835,839 51	12,917,953 88	890,719 90	13,808,673 78
1819	6,506.300 37	3,847,640 42	463,181 39	3,067,211 41	13.884,333 59	2,415,939 85	16,300,273 44
1820	2,630,392 31	4,387,990 00	315,750 01	2,592,021 94	9.926,154 26	3,208,376 31	13,134,530 57
1821	4,461,291 78	3,319,243 06	477,005 44	2,223,121 54	10.480,661 82	242,817 25	10,723,479 07
1822	3,111,981 48	2,224,458 98	575,007 41	1,967,996 24	7,879.444 11	1,948,199 40	9,827,643 51
1823	3,096,924 43	2,503,765 83	380.781 82	2,022,093 99	8,003,566 07	1,780,588 52	9,784,154 59
1824	3,340,939 85	2,904.581 56	429,987 90	7,155,308 81	13.830,818 12	1,499,326 59	15,330,144 71
1825	3,659,914 18	3,049,083 86	724,106 44	2,748,544 89	10,181,649 37	1,308,810 57	11,490,459 94
1826	3,943,194 37	4,218,902 45	743,447 83	2,600,177 79	11,505,722 44	1,556,593 83	13,062,316 27

1827	3,948,977 88	4,263,877 45	750,624 88	2,713,476 58	11,676,956 79	976,138 86	12,653,095 65
1828	4,145,544 56	3,918,786 44	705.084 24	3,676,052 64	12,445,467 88	850.573 57	13,296,041 45
1829	4.724.291 07	3.308,745 47	576,344 74	3,082,234 65	11.691,615 93	949,594 47	12,641,210 40
1830	4,767,128 88	3,239,428 63	622.262 47	3,237,416 04	11.866,236 02	1,363,297 31	13,229,533 33
1831	4,841.835 55	3,856,183 07	930,738 04	3,064,646 10	12,693,402 76	1,170,665 14	13,864,067 90
1832	5,446,034 88	3.956,370 29	1,352,419 75	4,577,141 45	15,331,966 37	1,184,422 40	16,516,388 77
1833	6,704,019 10	3,901,356 75	1,802,980 93	5,716,245 93	18,124,602 71	4,589,152 40	22,713,755 11
834	5,696,189 38	3,956,260 42	1,003,953 20	4,104,728 95	15,061.131 95	3,364,285 30	18.425.417 25
835	5,759,156 89	3,864,939 06	1,706.444 48	4,229,698 53	15,560,238 96	1.954,711 32	17,514,950 28
1836	11,747,345 25	5,807,718 23	5,037,022 88	5,393,279 72	27,985 366 08	2,882,797 96	30,868,164 04
1837	13,682,730 80	6,646,914 53	4,348,036 19	9,893,370 27	34,571,051 79	2,672,162 45	37,243,214 24
1838	12,897.224 16	6,131,580 53	5,504,191 34	7,160,664 76	31,693,660 79	2,156,057 29	33,849,718 08
1839	8,916,995 80	6,182,294 25	2,528,917 28	5,725,990 89	23,354.198 22	3,142,750 51	26,496,948 73
1840	7,095,267 23	6,113.896 89	2,331,794 86	5,995,398 96	21,536,357 94	2,603,562 17	24,139.920 11
1841	8,801,610 24	6,001,076 97	2,514.837 12	6,490,881 45	23,808,405 78	2,388,434 51	26,196.840 29
1842	6,610,438 02	8,397,242 95	1,199,099 68	6,775,624 61	22,982,405 26	1,378,931 33	24,361,336 59
1843*	2,908,671 95	3,727,711 53	578,371 00	3,202,713 00	10,417,467 48	839,041 12	11,256,508 60
1844	5,218,183 66	6,498,199 11	1,256.532 39	5,645,183 86	18.618,099 02	2,032.008 99	20,650,108 01
1845	5,746,291 28	6,297,177 89	1,539,351 35	5.911,760 98	19,494,581 50	2,400.788 11	21,895.369 61
1846	10,413,370 58	6,455,013 92	1.027,693 64	6,711,283 89	24.607,362 03	1,811,097 56	26,418,459 59
1847	35,840,030 33	7,900,635 76	1.430,411 30	6,885,608 35	52,056,685 74	1,744,883 63	53,801,569 37
1848	27,688.334 21	9,408,476 02	1.252,296 81	5,650,851 25	43,999,958 29	1,227,496 48	45,227,454 77
1849	14,558,473 26	9,786,705 92	1,374,161 55	12,885,334 24	38,604,674 97	1,328.867 64	39,933,542 61
1850	9,687,024 58	7,904,724 66	1,663,591 47	16,043,763 36	35,299.104 07	1,866,886 02	37,165,990 09
1851	12,161,965 11	8,880,581 38	2,829,801 77	17,888.992 18	41,761,340 44	2,293,377 22	44,054,717 66
1852	8,521,506 19	8,918,842 10	3,043,576 04	17,504,171 45	37,988.095 78	2,401,858 78	40,389,954 56
1853	9,910,498 49	11,067,789 53	3.880,494 12	17.463.068 01	42,321,850 15	1,756,306 20	44,078,156 35
1854	11,722,282 87	10,790.096 32	1,550,339 55	26,672.144 68	50,734,863 42	1,232.665 00	51,967,528 42
1855	14,648.074 07	13,327,095 11	2,772,990 78	24,090.425 43	54,838,585 39	1,477,612 33	56,316,197 72
1856	16,963,160 51	14.074,834 64	2,644,263 97	31,794,038 87	65,476,297 99	1,296,229 65	66,772,527 64
1857	19,159,150 87	12,651,694 61	4,354,418 87	28,565,498 77	64,730,763 12	1,310,380 58	66,041,143 70
1858	25,679,121 63	14,053,264 64	4,978,266 18	26,400,016 42	71,110,668 87	1,219,768 30	72,330,437 17
1859	23,154,720 53	14,690,927 90	3,490.534 53	23,797,544 40	65,133,727 36	1,222,222 71	66,355,950 07
1860	16,472,202 72	11,514,649 83	2,991,121 54	27,977.978 30	58,955,952 39	1,100,802 32	60.056,754 71
1861	23,001,530 67	12,387,156 52	2,865,481 17	23,327,287 69	61,581,456 05	1,034,599 73	62,616,055 78
Total, 72 years preceding the war	$571,914,213 39	$360,042,168 18	$86,904,164 35	$487,845,595 23	$1,506,706,141 15	$80,738,327 06	$1,587,444,468 21

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* For the half year from January 1, 1843, to June 30, 1843.

Year.	War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures, without Pensions.	Pensions.	Net Ordinary Expenditures.
1862	$389,173,562 29	$42,640,353 09	$2,327,948 37	$21,385,862 59	$455,527,726 34	$852,170 47	$456,379,896 81
1863	603,314,411 82	63,261,235 31	3,152,032 70	23,198,382 37	692,926,062 20	1,078,513 26	694,004,575 56
1864	690,391,048 66	85,704,963 74	2,629,975 97	27,572,216 87	806,298,205 24	4,985,473 90	811,283,679 14
1865	1,030,690,400 06	122,617,434 07	5,059,360 71	42,989,383 10	1,201,356,577 94	16,347,621 34	1,217,704,199 28
1866	283,154,676 06	43,285,662 00	3,295,729 32	40,613,114 17	370,349,181 55	15,605,549 88	385,954,731 43
	*3,621,780 07	*77,992 17	*53,286 61	*718,769 52	4,471,828 37	*9,737 87	*4,481,566 24
Total, 5 years during the war	$3,000,345,878 96	$357,587,640 38	$16,518,333 68	$156,477,728 62	$3,530,929,581 64	$38,879,066 82	$3,569,808,648 46
1867	$95,224,415 63	$31,034,011 04	$4,642,531 77	$51,110,223 72	$182,011,182 16	$20,936,551 71	$202,947,733 87
1868	123,246,648 62	25,775,502 72	4,100,682 32	53,009,867 67	206,132,701 33	23,782,386 78	229,915,088 11
1869	78,501,990 61	20,000,757 97	7,042,923 06	56,474,061 53	162,019,733 17	28,476,621 78	190,496,354 95
1870	57,655,675 40	21,780,229 87	3,407,938 15	53,237,461 56	136,081,304 98	28,340,202 17	164,421,507 15
1871	35,799,991 82	19,431,027 21	7,426,997 44	60,481,916 23	123,139,932 70	34,443,894 88	157,583,827 58
1872	35,372,157 20	21,249,809 99	7,061,728 82	60,984,757 42	124,668,453 43	28,533,402 76	153,201,856 19
1873	46,323,138 31	23,526,256 79	7,951,704 88	73,328,110 06	151,129,210 04	29,359,426 86	180,488,636 90
1874	42,313,927 22	30,932,587 42	6,692,462 09	85,141,593 61	165,080,570 34	29,038,414 66	194,118,985 00
1875	41,120,645 98	21,497,626 27	8,384,656 82	71,070,702 98	142,073,632 05	29,456,216 22	171,529,848 27
1876	38,070,888 64	18,963,309 82	5,966,558 17	73,599,661 04	136,600,417 67	28,257,395 69	164,857,813 36
1877	37,082,735 90	14,959,935 36	5,277,007 22	58,926,532 53	116,246,211 01	27,963,752 27	144,209,963 28
1878	32,154,147 85	17,365,301 37	4,629,280 28	53,177,703 57	107,326,433 07	27,137,019 08	134,463,452 15
1879	40,425,660 73	15,125,126 84	5,206,109 08	65,741,555 49	126,498,452 14	35,121,482 39	161,619,934 53
Total, 13 years since the war	$703,292,023 91	$281,641,482 67	$77,790,580 10	$816,284,147 41	$1,879,008,234 09	$370,846,767 25	$2,249,855,001 34

RECAPITULATION.

	War.	Navy.	Indians.	Miscellaneous.	Net Ordinary Expenditures without Pensions.	Pensions.	Net Ordinary Expenditures.
Ante-war period: 72 years	$571,914,213 39	$360,042,168 18	$86,904,164 35	$487,845,595 23	$1,506,706,141 15	$80,738,327 06	$1,587,444,468 21
War period: 5 years	3,000,345,878 96	357,587,640 38	16,518,333 68	156,477,728 62	3,530,929,581 64	38,879,066 82	3,569,808,648 46
Post-war period: 13 years	703,292,023 91	281,641,482 67	77,790,580 10	816,284,147 41	1,879,008,234 09	370,846,767 25	2,249,855,001 34
Grand Totals	$4,275,552,116 26	$999,271,291 23	$181,213,078 13	$1,460,607,471 26	$6,916,643,956 88	$490,464,161 13	$7,407,108,118 01

CIVIL LIST AND NET ORDINARY EXPENDITURES OF THE UNITED STATES GOVERNMENT, BY PERIODS OF FOUR YEARS, AND ADMINISTRATIONS FROM THE ORGANIZATION OF THE GOVERNMENT.

ADMINISTRATION.	DATES.	CIVIL LIST.	NET ORDINARY EXPENDITURES.
1 Washington	1789 to Dec. 31, 1792	$1,138,052 03	$3,797,493 20
2 Washington	4 years, Dec. 31, 1796	1,607,969 07	12,093,205 35
3 Adams	4 years, Dec. 31, 1800	2,329,433 08	21,348,351 19
4 Jefferson	4 years, Dec. 31, 1804	2,297,648 17	17,174,432 96
5 Jefferson	4 years, Dec, 31, 1808	2,616,772 77	25,926,355 72
6 Madison	4 years, Dec. 31, 1812	2,887,197 98	36,117,357 98
7 Madison	4 years, Dec. 31, 1816	3,768,342 61	108,537,086 89
8 Munroe	4 years, Dec. 31, 1820	4,494,606 42	57,698.087 71
9 Munroe	4 years, Dec. 31, 1824	4,665,602 11	45,665,421 88
10 J. Q. Adams	4 years, Dec. 31, 1828	5,271,124 34	50,501,913 31
11 Jackson	4 years, Dec. 31, 1832	6,081,307 73	56,270,480 62
12 Jackson	4 years, Dec. 31, 1836	7,659,086 86	89,522,286 68
13 Van Buren	4 years, Dec. 31, 1840	9,899,496 58	121,729,801 16
14 Harrison	4 years, June 30, 1845	11,508,546 86	104,360,163 10
15 Polk	4 years, June 30, 1849	10,615,571 14	165,381,026 34
16 Taylor	4 years, June 30, 1853	14,214,458 90	165,684,050 48
17 Pierce	4 years, June 30, 1857	25,036,171 74	232,820,632 35
18 Buchanan	4 years, June 30, 1861	25,180,671 32	261,165,809 62
19 Lincoln	4 years, June 30, 1865	30,765,508 71	3,176,017,346 93
20 Johnson	4 years, June 30, 1869	66,412,391 61	1,012,420,202 14
21 Grant	4 years, June 30, 1873	69,989,774 16	656,066,892 39
22 Grant	4 years, June 30, 1877	69,313,353 23	684,716,609 91
For one year ending June 30,	1878:		
Hayes		15,450,345 30	153,608,681 28
	June 30, 1879	15,430,781 30	163,406,493 27
	June 30, 1880	16,287,457 73	161,360,037 17

ARMY, NAVY AND PENSION APPROPRIATIONS.

It is not infrequently the case that the charge is made by Republicans in Congress and by the Republican press that the Democracy are not disposed to make liberal appropriations for the army and navy and for the pensions of soldiers. As facts and figures are more convincing than argument and expostulation, we submit the following table carefully prepared from the statutes:

APPROPRIATIONS ON ACCOUNT OF THE ARMY, NAVY AND PENSIONS FOR THE TEN FISCAL YEARS COMMENCING 1871 AND ENDING 1880.

Years.	Army.	Navy.	Total Army and Navy.	Pensions.	Total each Year.
1871	$29,321,367 22	$19,250,290 29	$48,571,657 51	$30,000,000 00	$78,571,657 51
1872	27,719,580 00	19,832,317 25	47,551,897 25	29,050,000 00	76,601,897 25
1873	28,683,615 32	18,296,733 95	46,980,349 27	30,480,000 00	77,460,349 27
1874	31,796,008 81	22,276,257 65	54,072,266 46	30,480,000 00	84,552,266 46
1875	27,788,500 00	20,813,946 20	48,602,446 20	29,980,000 00	78,582,446 20
1876	27,933,830 00	17,001,006 40	44,934,836 40	30,000,000 00	74,934,836 40
1877	25,987,167 90	12,742,155 40	38,729,323 30	29,533,500 00	68,262,823 30
1878	25,612,500 00	13,541,024 40	39,153,524 40	28,533,000 00	67,686,524 40
1879	25,593,486 01	14,152,603 70	39,746,089 71	29,371,574 00	69,117,663 71
1880	26,788,300 00	14,029,968 95	40,818,268 95	56,233,200 00	97,051,468 95
Deficiencies	15,675,447 00	7,630,160 00	23,305,607 00	9,930,000 00	33,235,607 00
Grand Totals	$292,899,802 26	$179,566,464 19	$472,466,266 45	$333,591,274 00	$806,057,540 45

Estimating the average population of the country for the past ten years at 44,807,000, a liberal estimate, the *per capita* cost of the army during that period has been $6.53, of the Navy $4.01, and of pensions $7.44, or $17.98 for the three combined, which is equal to a per annum cost *per capita* of $1.79.

PATRONAGE OF THE UNITED STATES GOVERNMENT.

[*From the Express Almanac.*]

It will be seen from the following table that the Navy Department contains a list of only one hundred and twenty-eight civilians in its employ. It is difficult to account for this glaring omission, but by accepting the statement of a politician who remarked that (politically) a late Secretary of the Navy "knew how to run his department." A careful estimate of the number of civil employees in this department, shows that in times of peace, which means that portion of the year in which elections do not occur, it does not vary much from 10,500.

In the table of Post-Office Department, page 30, the total number of employees, as recorded in the "Official Register," is 62,672. This is probably only about two-thirds of the number of persons (contractors excepted) who are employed, directly and indirectly, in this branch of the government service. In giving its list of employees, this department only records those which it directly pays, and has no definite knowledge of the deputy clerks, which are generally hired by postmasters. It has been estimated by some officers in the Postmaster-General's office that the number of deputy clerks in post-offices are equal to the number of postmasters, or an average of one to each post-office in the country. As the number of postmasters at the close of the present fiscal year was 40,855, this would swell the patronage of the Post-office Department to the enormous figures of 100,000 employees. But, casting this estimate aside, the number officially known to the department, as recorded in table on page 30 of Official Register, is 766,500.

In the Treasury Department, the tables on page 29, are short over three thousand names, as compared to the number which were employed at the end of the present fiscal year.

In the Judiciary Department, the "Register" contains the record of only sixty-five United States marshals, and not one supervisor of elections. A careful estimate shows that there are, altogether, fully 2,500 deputy marshals and clerks in marshals' offices. It is also not an overestimate to say that in times of Congressional elections there are about six thousand United States supervisors. In addition to all these, there are some five thousand men employed in the different international improvements prosecuted by the government. Taking all these facts, we have the following as the total of the patronage of the national administration :

Number of Employees recorded in "Register"	74,431
Deficiency as to Naval Department	10,500
Deficiency as to Post-Office Department	6,500
Deficiency as to Treasury Department	3,000
Deficiency as to Deputy Marshals and Clerks	2,500
Deficiency as to Supervisors of Election	6,000
Deficiency as to Employees on Internal Improvements	5,000
Total	107,931

INTEREST ON THE PUBLIC DEBT.

The interest paid on the public debt for the fiscal years from 1873 to 1879 inclusive, is, according to the official report of the Secretary of the Treasury, as follows:

1873	$104,750,688 44
1874	107,119,815 21
1875	103,093,544 77
1876	100,243,271 23
1877	97,124,511 58
1878	102,500,874 05
1879	105,327,949 00

PRINCIPAL OF THE PUBLIC DEBT.

In the official report of the Secretary of the Treasury is the following statement of outstanding principal of the public debt on July 1st, from 1869 to 1879, inclusive :

1869	$2,588,452,213 94
1870	2,480,672,427 81
1871	2,353,211,332 32
1872	2,253,251,328 78
1873	2,234,482,993 20
1874	2,251,690,468 43
1875	2,232,284,531 95
1876	2,180,395,067 15
1877	2,205,301,392 10
1878	2,256,205,892 53
1879	2,349,567,482 04

THE TERRITORY OF THE UNITED STATES, SHOWING ITS ORIGINAL EXTENT; HOW, WHEN, AND UNDER WHAT ADMINISTRATION IT HAS BEEN INCREASED; ALSO AREA OF THE STATES AND TERRITORIES BY SQUARE MILES AND ACRES.

(*Taken from the 9th official census.*)

State or Territory.	Treaty of 1783. Original Territory of U. S.	Louisiana Purchase, 1803. By Thos. Jefferson.	Spanish Cession, 1819. By James Monroe.	Texas, by Joint Resolution, 1845. John Tyler.	Mexican Cession, 1848. By James K. Polk.	Gadsden Purchase, 1853. Franklin Pierce.	Alaska Purchase, 1868. Andrew Johnson.	Total Square Miles.	Total Acres.
Alabama	48,422		2,300					50,722	32,462,080
Arizona					82,381	31,535		113,916	72,906,240
Arkansas		52,198						52,198	33,406,720
Alaska							577,390	577.390	369,529,600
California					188,981			188,981	120,947,840
Colorado		57,000			47,500			104,500	66,880,000
Connecticut	4,750							4,750	3,040,000
Dakota		150,932						150.932	96,596,480
Delaware	2,120							2,120	1,356,800
District of Columbia	64							64	40,960
Florida			59,268					59,268	37,931,520
Georgia	58,000							58.000	37,120,000
Idaho		86,294						86,294	55,228,160
Illinois	55,410							55,410	35,462,400
Indiana	33,809							33,809	21,637,760
Indian Territory		68,991						68,991	44,154,240
Iowa		55,045						55,045	35,228,800
Kansas		73,542			7,776			81,318	52,043,520
Kentucky	37,680							37,680	24,115,200
Louisiana		37,602	3,744					41,346	26,461,440
Maine	35,000							35,000	22,400,000
Maryland	11,124							11,124	7,119,360
Massachusetts	7,800							7,800	4,992,000
Michigan	56,451							56,451	36,128,640
Minnesota	26,000	57,531						83,531	53,459,840
Mississippi	43,556		3,600					47,156	30,179,840
Missouri		65,350						65,350	41,824.000
Montana		143,776						143,776	92,016,640
Nebraska		75,995						75,995	48,636,800
Nevada					104,125			104,125	66,640,000
New Hampshire	9,280							9,280	5,939,200
New Jersey	8,320							8,320	5,324,800
New Mexico					107,201	14,000		121,201	77,568.640
New York	47,000							47,000	30,080.000
North Carolina	50,704							50,704	32,450,560
Ohio	39,964							39,964	25,576,960
Oregon		95,274						95,274	60,975,360
Pennsylvania	46,000							46,000	29,440,000
Rhode Island	1.306							1,306	835,840
South Carolina	34,000							34,000	21,760,000
Tennessee	45,600							45,600	29,184,000
Texas				274,356				274.356	175,587,840
Utah					84,476			84,476	54,064,640
Vermont	10,212							10,212	6.535,680
Virginia	38,348							38,348	24,542,720
Washington Territory		69,994						69,994	44,796,160
West Virginia	23.000							23,000	14,720,000
Wisconsin	53,924							53,924	34,511,360
Wyoming Territory		83,563			14,320			97,883	62,645,120
	827,844	1,173,087	68,912	274,356	636,760	45,535	577,390	3,603,884	2,306,485,760

RECAPITULATION.

From whom acquired.	How Acquired.	President.	Area, Sq. Miles.	Area, Acres.
Original territory	Treaty, 1783		827.844	529,820,160
France	Treaty, 1803	Thomas Jefferson	1,173,087	750,775,680
Spain	Treaty, 1819	James Monroe	68,912	44,103,680
Texas	Joint Resolution, 1845	John Tyler	274.356	175,587,840
Mexico	Treaty, 1848	James K. Polk	636.760	407,526,400
Do.	Treaty, 1853	Franklin Pierce	45,535	29,142,400
Russia	Alaska, 1868 (purchased).	Andrew Johnson	577,390	369,529,600
Total			3,603,884	2,306,485,760

Total Original Treaty	827,844 sq. miles	529,820,160 acres.
Acquired by A. Johnson's administration.	577,390 "	369.529,600 "
Acquired by Democrats	2,198,650 "	1,407,136,000 "
Total	3,603,884 sq. miles	2,306,485,760 acres.

The Area acquired by the Democrats is located as follows:

STATES.	Sq. Miles.	Acres.	Sq. Miles.	Acres.
Alabama (part of)	2,300	1,472,000		
Arkansas (all)			52,198	33,406,720
California (all)			188,981	120,947,840
Colorado (all)			104 500	66,880,000
Florida (all)			59,268	37,931,520
Iowa (all)			55,045	35,228,800
Kansas (all)			81,318	52,043,520
Louisiana (all)			41,346	26,461,440
Minnesota (part of)	57,531	36,819,840		
Mississippi (part of)	3,600	2,304,000		
Missouri (all)			65,350	41.824,000
Nebraska (all)			75,995	48,636,800
Nevada (all)			104,125	66,640,000
Oregon (all)			95,274	60,975.360
Texas (all)			274,356	175,587,840
Total	63,431	40,595,840	1,197,756	766,563,840

The above is exclusive of the territories, and includes all of seven Northern and five Southern and Western states, having in 1870 a population of 6,426,608. In addition, the following territories were acquired by the Democrats:

NAMES.	No. Square Miles.	No. Acres.	Population 1870.
Arizona	113,916	72,906,240	41,710
Dakota	150,932	96,596,480	40,501
Idaho	86,294	55,228.160	20.583
Indian territory	68,991	44,154,240	68,152
Montana	143,776	92,016,640	39,895
New Mexico	121,201	77,568,640	111,303
Utah	84,476	54,064,640	99,581
Washington territory	69,994	44,796,160	37,432
Wyoming	97,883	62,645,120	11,518
Total	937,463	599,976,320	470,675

Thus making the total population in 1870 in the states and territories wholly acquired (exclusive of parts of states acquired) by the Democrats aggregate 6,897,283, or double the population of the original thirteen states at the time they achieved their independence.

The total territory acquired by the Democrats exceeds the original area of the United States by 1,370,806 square miles, or 877,315,840 acres.

This is an increase of more than one hundred and sixty-five per cent. A very large portion of this magnificent territory acquired by Democratic policy has been squandered by the Republicans on favored corporations.

SQUANDERING THE PUBLIC DOMAIN.

How the public domain has been squandered on greedy corporations, to the great injury of settlers, will be seen upon examination of the following official table prepared in the Interior Department :

Schedule of Land Grants to Corporations and Monopolies since the Republican Party have been in power.

STATE.	YEAR.	CORPORATION.	NO. OF ACRES.
Wisconsin	1866	Breakwater and Ship Canal	200,000
Michigan	1865	Portage Lake Ship Canal	200,000
Michigan	1866	Portage Lake Ship Canal	200,000
Michigan	1866	La Belle Ship Canal	100,000
Alabama	1871	S. Alabama Railroad	576,000
Alabama	1869	Alabama and Chattanooga Railroad	897,920
Louisiana	1871	New Orleans, Baton Rouge and Vicksburg Railroad	1,600.000
Arkansas	1866	Cairo and Fulton	966,700
Arkansas	1866	Memphis and Little Rock	365,539
Arkansas	1866	Little Rock and Fort Smith	458,771
Arkansas	1866	Iron Mountain Railroad	864,000
Missouri	1866	Cairo and Fulton Railroad	182,718
Missouri	1866	Saint Louis and Iron Mountain	1,400,000
Iowa	1866	Burlington and Missouri River	101,110
Iowa	1864	Chicago and Rock Island Railroad	116,276
Iowa	1864	Cedar Rapids and Missouri River	342,406
Iowa	1864	McGregor and Missouri River	1,536,000
Iowa	1864	Sioux City and Saint Paul	256,000
Iowa	1864	Sioux City and Pacific	580,000
Michigan	1866	Jackson, Lansing, and Michigan (re-grant)	1,052,469
Michigan	1865	Flint and Pere Marquette	586,828
Michigan	1864	Grand Rapids and Indiana	531,200
Michigan	1865	Bay de Noquet and Marquette	128,000
Michigan	1865	Marquette and Ontonagon	243,200
Michigan	1862	Chicago and Northwestern	375,680
Michigan	1865	Chicago and Northwestern	188,800
Wisconsin	1864	West Wisconsin	675,000
Wisconsin	1864	Saint Croix and Lake Superior	350,000
Wisconsin	1864	Bayfield Branch	215,000
Wisconsin	1862	Chicago and Northwestern (re-grant)	600,000
Wisconsin	1864	Portage and Superior	750,000
Minnesota	1865	Saint Paul and Pacific	500,000
Minnesota	1865	Saint Paul and Pacific Branch	725,000
Minnesota	1865	Minnesota Central	290,000
Minnesota	1865	Winona and Saint Peter	690,000
Minnesota	1864	Saint Paul and Sioux City	150,000
Minnesota	1864–'66	Lake Superior and Mississippi	800,000
Minnesota	1866	Minnesota Southern	735.000
Minnesota	1866	Hastings and Dakota	350,000
Kansas	1863	Leavenworth, Lawrence, and Galveston	800,000
Kansas	1864	Atchison, Topeka, and Santa Fé	1,200,000
Kansas	1864	Union Pacific, Southern Branch	500,000
Kansas	1866	Saint Joseph and Denver	1,700,000
Kansas	1866	Fort Scott and Gulf	17,000
Kansas	1866	Southern Branch Union Pacific	1.203,000
California	1866	Placerville and Sacramento	200,000
California	1867	Central Pacific, Oregon Branch	1,540,000
California	1866	Stockton and Copperopolis	320,000
Oregon	1870	Oregon and California	1,660.000
Oregon	1866	Oregon Central	1,200.000
	1862–'70	Union Pacific, Central Pacific, and Kansas Pacific	35.000.000
	1864–'70	Northern Pacific Railroad	47,000,000
	1866	Atlantic and Pacific Railroad	42,000.000
	1871	Southern Pacific Railroad	3,000.000
	1862–'64	Central Pacific Railroad	245,166
	1871	Texas Pacific Railroad	13,400,000
	1862–'71	Wagon Roads, chiefly in Northwest	4,000,000
		Total acres not reserved for free homes	175,835,405
		Total number of acres bestowed in land grants	296,000,000

AREAS IN SQUARE MILES.

Maine	35,000	Connecticut	4,700	Maryland	11,000
New Hampshire	9,300	New York	47,000	Ohio	40,000
Vermont	10,200	New Jersey	8,000	Indiana	33,800
Massachusetts	7,800	Pennsylvania	46,000		
Rhode Island	1,300	Delaware	2,100	Total	256,200

Republican land grants, 294,758 square miles.
Valuation per acre, average, $2.50.
Total valuation, $736,895.000.

34

LOANING THE PUBLIC CREDIT TO CORPORATIONS.

BONDS ISSUED TO THE PACIFIC RAILWAY COMPANIES, INTEREST PAYABLE BY THE UNITED STATES.

NAME OF RAILWAY.	Rate.	Principal Outstanding.	Interest Accrued and Not yet paid.	Interest Paid by the United States.	Interest Repaid by Companies.		Balance of Interest Paid by the United States.
					By Transporta'n Service.	By cash payments: 5% net earnings.	
Central Pacific..................	6%	$25,885,120 00	$776,553 60	$18,016,680 07	$3,200,389 64	$648,271 96	$14,168,018 47
Kansas Pacific...........	6%	6,303,000 00	189,090 00	4.805,703 09	2,447,397 28	....	2,358,305 81
Union Pacific..................................	6%	27,236,512 00	817,095 36	19,238,182 89	7,804,484 37	....	11,433,698 52
Central Branch, U. P..	6%	1,600,000 00	48,000 00	1,213,808 26	47,621 69	6,926 91	1,159,259 66
Western Pacific...............................	6%	1,970,560 00	59,116 80	1,254,431 34	9,367 00	....	1,245,064 34
Sioux City and Pacific............	6%	1,628,320 00	48,849 60	1,122,350 29	106,032 57	....	1,016,317 72
Totals.............................	......	$64,623,512 00	$1,938,705 36	$45,651,155 94	$13,615,292 55	$655,198 87	$31,380,664 52

The foregoing is a correct statement of the Public Debt, as appears from the books and Treasurer's Returns in the Treasury Department at the close of business, June 30, 1880.

JOHN SHERMAN,
Secretary of the Treasury.

SOME OF GENERAL HANCOCK'S ORDERS

WHILE IN COMMAND OF THE FIFTH MILITARY DISTRICT,

AGAINST REMOVAL OF CIVIL OFFICERS BY MILITARY—PROHIBITING MILITARY INTERFERENCE IN SELECTION OF JURORS—SUSTAINING JURISDICTION OF CIVIL COURTS—PROHIBITING MILITARY AT THE POLLS—AGAINST STAY OF CIVIL PROCESS—AGAINST MILITARY COMMISSIONS—ON ELECTIONS—DISCLAIMING JUDICIAL FUNCTIONS—DECLINES TO EXERCISE RIGHT OF EMINENT DOMAIN—REVOKING ORDERS INTERFERING WITH REGISTRATION—CONCERNING TAXATION—LETTER AGAINST USURPATION OF FREEDMEN'S BUREAU.

The object of the following pages is to direct the attention of those whom, for political or other reasons, it may concern, to the services of General Hancock in maintaining the civil rights of citizens. The celebrated order No. 40 and also General Hancock's letter to Gov. Pease have been produced in the Life of the General, which will be found in another part of this book. The object here is to present a few from a large number of General Hancock's orders and letters, which exhibit his exalted statesmanship on all the questions of importance upon which he was called upon to act in his civil career in Louisiana and Texas. The documents selected are but a few out of a mass of similar material. But they will be sufficient to illustrate the principles upon which his administration of public affairs was conducted.

ORDER OF GENERAL HANCOCK REVOKING A SUMMARY REMOVAL FROM OFFICE, MADE BY HIS PREDECESSOR, AND REFERRING THE COMPLAINT TO THE JUDICIAL TRIBUNALS.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., December 4, 1867.

SPECIAL ORDERS No. 202.

[EXTRACT.]

* * * * * * * * * *

2. Paragraph 3, of special orders No. 188, from these headquarters, dated November 16th, 1867, issued by Brevet Major-General Mower, removing P. R. O'Rourke, Clerk of Second District Court, Parish of Orleans, for malfeasance in office, and appointing R. L. Shelly in his stead, is hereby revoked, and P. R. O'Rourke is reinstated in said office.

If any charges are set up against the said O'Rourke, the judicial department of the government is sufficient to take whatever action may be necessary in the premises.

* * * * * * * * * *

By command of **Major-General Hancock.**
[Official.]

ORDER OF GENERAL HANCOCK REVOKING THE ORDER OF HIS PREDECESSOR WHICH INTERFERED WITH THE SELECTION OF JURORS, AND DEFINING THE TRUE AND PROPER USE OF MILITARY POWER.

Headquarters Fifth Military District,
New Orleans, La., December 5, 1867.

Special Orders No. 203.

[EXTRACT.]

* * * * * * * * * *

2. The true and proper use of military power, besides defending the national honor against foreign nations, is to uphold the laws and civil government, and to secure to every person residing among us, the enjoyment of life, liberty and property. It is accordingly made, by act of Congress, the duty of the commander of this district to protect all persons in those rights, to suppress disorder and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals.

The Commanding General has been officially informed that the administration of justice, and especially of criminal justice, in the courts, is clogged, if not entirely frustrated, by the enforcement of paragraph No. 2, of the military order numbered special orders 125, current series, from these headquarters, issued on the 24th of August, A. D. 1867, relative to the qualifications of persons to be placed on the jury lists of the state of Louisiana.

To determine who shall, and who shall not be jurors, appertains to the legislative power; and until the laws in existence regulating this subject shall be amended or changed by that department of the civil government, which the constitutions of all the states under our republican system vest with that power, it is deemed best to carry out the will of the people as expressed in the last legislative act upon this subject.

The qualification of a juror, under the law, is a proper subject for the decision of the courts. The Commanding General, in the discharge of the trust reposed in him, will maintain the just power of the judiciary, and is unwilling to permit the civil authorities and laws to be embarrassed by military interference; and as it is an established fact that the administration of justice in the ordinary tribunals is greatly embarrassed by the operations of paragraph No. 2, special orders No. 125, current series, from these headquarters, it is ordered that said paragraph, which relates to the qualifications of persons to be placed on the jury lists of the state of Louisiana, be, and the same is hereby revoked, and that the trial by jury be henceforth regulated and controlled by the constitution and civil laws, without regard to any military orders heretofore issued from these headquarters.

* * * * * * * * * *

By command of **Major-General Hancock.**
[Official.]

ORDER SUSTAINING THE JURISDICTION OF THE CIVIL COURTS OVER THE RIGHTS OF PRIVATE PROPERTY.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., December 16, 1867.

SPECIAL ORDERS No. 211.

EXTRACT.

* * * * * * * * * *

4. Paragraph 3, of special orders No. 197, current series, from these headquarters, issued by Brevet Major-General J. A. Mower, in the matter of the estate of D. B. Staats, is hereby revoked, the local tribunals possessing ample power for the protection of all parties concerned. The property in dispute will be restored to the possession of the party entitled to the same by order of court.

* * * * * * * * * *

By command of MAJOR-GENERAL HANCOCK.
[Official.]

ORDER TO SECURE THE PURITY OF ELECTIONS, AND TO PREVENT MILITARY INTERFERENCE AT THE POLLS.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., December 18, 1867.

SPECIAL ORDERS No. 213.

EXTRACT.

I. In compliance with the supplementary act of Congress of March 23d, 1867, notice is hereby given that an election will be held in the state of Texas on the 10th, 11th, 12th, 13th and 14th days of February, 1868, to determine whether a convention shall be held, and for delegates thereto, "to form a constitution" for the state under said act.

* * * * * * * * * *

IX. Military interference with elections, "unless it shall be necessary to keep the peace at the polls," is prohibited by law, and no soldiers will be allowed to appear at any polling place, unless as citizens of the state they are registered as voters, and then only for the purpose of voting; but the commanders of posts will be prepared to act promptly if the civil authorities fail to preserve the peace.

X. The sheriff and other peace officers of each county are required to be present during the whole time the polls are kept open, and until the election is completed, and will be made responsible that there shall be no interference with judges of election, or other interruption of good order.

As an additional measure to secure the purity of the election, each registrar or clerk is hereby clothed, during the election, with authority to call upon the civil officers of the county to make arrests, and in case of failure of the aforesaid civil officers, are empowered to perform their duties during the election. They will make full report of such failures on the part of civil officers to the Commanding General, Fifth Military District, through the headquarters, District of Texas, for orders in each case.

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By command of MAJOR-GENERAL HANCOCK.
[Official].

ON THE STAY OF CIVIL PROCESS.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS.
New Orleans, La., December 20, 1876.

The Hon. E. HEATH, *Mayor of New Orleans:*

SIR:—In answer to your communication of the 30th ult., requesting his intervention in staying proceedings in suits against the city on its notes, the Major-General Commanding directs me to respectfully submit his views to you on that subject, as follows:

Such a proceeding on his part would, in fact, be a stay-law in favor of the city of New Orleans, which, under the Constitution, could not be enacted by the legislature of the state, and in his judgment such a power ought to be exercised by him, if at all, only in a case of the most urgent necessity.

That the notes referred to were issued originally in violation of the charter of the city, cannot be denied; but the illegal act has since been ratified by the legislature. The corporation is therefore bound to pay them; and even if a defense could be made on technical grounds, it would be disgraceful for the city to avail itself of it. Why, then, should the creditors of the city be prevented from resorting to the means given them to enforce the obligation ?

In support of your application you state that the city is unable to pay its debts. This is unfortuately the case with most debtors; and on that ground nearly all other debtors would be equally entitled to the same relief.

The Supreme Court of this state has decided that taxes due a municipal corporation cannot be seized, under execution, by a creditor of the corporation, nor is any other property used for municipal purposes liable to seizure. If, therefore, a constable levies an execution on such property, he is a trespasser, and the city has its remedy against him in the proper tribunal.

It does not, therefore, seem to the Major-General Commanding that there is an urgent necessity which would justify his interference in the manner required. Besides, the expediency of such a measure is more than questionable ; for, instead of reinstating the confidence of the public in city notes, it would probably destroy it altogether.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col., U. S. A., Sec'y for Civil Affairs.

ON THE TRIAL OF OFFENDERS AGAINST THE LAWS OF THE STATE.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
New Orleans, La., December 28, 1876.

His Excellency E. M. PEASE, *Governor of Texas:*

SIR : Brevet Major-General J. J. Reynolds, commanding District of Texas, in a communication dated Austin, Texas, November 19, 1867, requests that a military commission may be ordered "for the trial of one G. W. Wall, and such other prisoners as may be brought before it," and forwards, in support of the request, the following papers:

1st. A printed account taken from a newspaper dated Uvalde, October ——, 1867 (contained in a letter of James H. Taylor, and in another from Dr. Ansell, U. S. Surgeon at Fort Inge), of the murder of R. W. Black, on the —— day of

October, 1867. In this account it is stated Mr. Black was shot through the heart by G. W. Wall "while lying on the counter at Mr. Thomas' store."

2d. A letter of Judge G. H. Noonan to Governor Pease, dated November 10, 1867, informing him that "Wall, Thacker and Pulliam are in confinement in Uvalde county for murder." In this letter it is asked, "Would it not be best to try them by military commission?"

3d. A letter from Governor Pease, dated "Executive of Texas, Austin, November 11, 1867," in which the governor states that he received a telegram from Judge G. H. Noonan, an extract from which I transmit herewith. In the letter of the governor the further statement is made that "Uvalde county, where the prisoners are confined, is on the extreme western frontier of the state, and has only about one hundred voters in a territory of about nine hundred square miles;" and he then adds, "It is not probable that they (meaning the prisoners) can be kept in confinement long enough ever to be tried by the civil courts of that county ; and express the opinion that they never "can be brought to trial unless it is done before a military commission." And he therefore asks that a military commission be ordered for their trial.

From an examination of the papers submitted to the commander of the Fifth Military District, it does not appear that there is any indisposition or unwillingness on the part of the local civil tribunals to take jurisdiction of and to try the prisoners in question ; and a suggestion made by the governor that it is not probable that the prisoners can be kept in confinement long enough to be tried by the civil courts (and which is apparently based on the fact that Uvalde county is a frontier county, and does not contain more than a hundred voters), seems to be the only foundation on which the request for the creation of a military commission is based. This, in the opinion of the Commanding General, is not sufficient to justify him in the exercise of the extraordinary power vested in him by law "to organize military commissions or tribunals" for the trial of persons charged with offenses against the laws of a state.

It is true that the third section of "An Act to provide for the more efficient government of the Rebel States," makes it the duty of the commanders of military districts "to punish, or caused to be punished, all disturbers of the public peace and criminals;" but the same section also declares that "to that end he may allow local civil tribunals to take jurisdiction of and to try offenders." The further power given to him in the same section, "when in his judgment it may be necessary for the trial of offenders," to organize military commissions for that purpose, is an extraordinary power, and from its very nature should be exercised for the trial of offenders against the laws of a state only in the extraordinary event that the local civil tribunals are unwilling or unable to enforce the laws against crime.

At this time the country is in a state of profound peace. The state government of Texas, organized in subordination to the authority of the government of the United States, is in the full exercise of all its proper powers. The courts, duly empowered to administer the laws, and to punish all offenders against those laws, are in existence. No unwillingness on the part of these courts is suggested to inquire into the offenses with which the prisoners in question are charged, nor are any obstructions whatever in the way of enforcing the laws against them said to exist. Under such circumstances there is no good ground for the exercise of the extraordinary power vested in the commander to organize a military commission for the trial of the persons named.

It must be a matter of profound regret to all who value constitutional government, that there should be occasions in times of civil commotion, when the public good imperatively requires the intervention of the military power for the repression of disorders in the body politic, and for the punishment of offenses against the existing laws of a country framed for the preservation of social order; but that the intervention of this power should be called for, or even suggested, by civil magistrates, when the laws are no longer silent and civil magistrates are possessed, in their respective spheres, of all the powers necessary to give effect to the laws, excites the surprise of the commander of the Fifth Military District.

In his view it is of evil example, and full of danger to the cause of freedom and good government, that the exercise of the military power, through military tribunals created for the trial of offenses against the civil law, should ever be permitted, when the ordinary powers of the existing state governments are ample for the punishment of offenders, if those charged with the administration of the laws are faithful in the discharge of their duties.

If the means at the disposal of the state authorities are insufficient to secure the confinement of the persons named in the communication of the governor of the state of Texas to the general commanding there, until they can be legally tried, on the fact being made known to him, the commander of the district will supply the means to retain them in confinement, and the commanding officer of the troops in Texas is so authorized to act. If there are reasons in existence which justify an apprehension that the prisoners cannot be fairly tried in that county, let the proper civil officers have the "venue" changed for the trial, as provided for by the laws of Texas.

In the opinion of the commander of the Fifth Military District, the existing government of the state of Texas possesses all the powers necessary for the proper and prompt trial of the prisoners in question in due course of law

If these powers are not exercised for that purpose, the failure to exercise them can be attributed only to the indolence or culpable inefficiency of the officers now charged with the execution and enforcement of the laws under the authority of the state government; and if there is such a failure, in the instance mentioned, on the part of those officers to execute the laws, it will then become the duty of the commander to remove the officers who fail to discharge the duties imposed on them, and to replace them with others who will discharge them.

Should these means fail, and it be found, on further experience, that there are not a sufficient number of persons among the people now exercising political power in Texas, to supply the public with officers who will enforce the laws of the state, it will then become necessary for the commander of the Fifth Military District to exercise the powers vested in him, by the acts of Congress under which he is appointed, for the purpose of vindicating the majesty of the law. But until such necessity is shown to exist, it is not the intention of the Commanding General to have recourse to those powers; and he deems the present a fitting occasion to make this known to the governor of Texas, and through him to the people of the state at large.

I am sir, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col., U. S. A., Sec'y for Civil Affairs.

ON ELECTIONS BY THE PEOPLE.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
New Orleans, La., December, 28, 1867.

Lieutenant-Colonel W. H. WOOD, *Commanding District of Louisiana, New Orleans, La.:*

COLONEL :—I am directed by the Major-General Commanding to acknowledge receipt of a letter from Nelson Durand (forwarded by you), stating that the treasurer of Avoyelles parish, Louisiana, refused an election to be held to ascertain if the citizens of the township were in favor of selling a school section belonging to the parish, and requesting an opinion as to the legality of said election.

In reply to said letter, I am directed by him to state that if the provision of the law were complied with in regard to advertisements, the manner of taking the sense of the inhabitants and legal voters only were admitted to take part, there seems to be no reason why the action should be considered a nullity. It was not, properly speaking, an election, but a way prescribed by law of arriving at the will of the community as regards the disposition to be made of certain school lands belonging to the parish.

The previous authorization of the Major-General Commanding is not considered necessary. But if the sense of the people was not duly regarded (on the previous occasion) as to the foregoing requirements, the matter should be again referred to them for a free and legal expression of their opinion.

I am, Colonel, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

ON REMOVALS FROM OFFICE WITHOUT JUDICIAL INVESTIGATION AND DETERMINATION.

HEADQUARTERS FIFTH MILITARY DISTRICT,
OFFICE OF SECRETARY FOR CIVIL AFFAIRS,
New Orleans, La., December 30th, 1867.

His Excellency B. F. FLANDERS, Governor of Louisiana:

GOVERNOR :—I am directed by the Major-General Commanding to acknowledge the receipt of your communication of the 11th inst., with papers and documents accompanying the same, charging the Police Jury, parish of Orleans, right bank, with appropriating to their own use and benefit the public funds of said parish, and with being personally interested in contracts let by them, and recommending the removal from office of the president and members of said Police Jury; and in reply to state that these charges present a proper case for judicial investigation and determination; and as it is evident to him that the courts of justice can afford adequate relief for the wrongs complained of, if proved to exist, the Major-General Commanding has concluded that it is not advisable to resort to the measures suggested in your excellency's communication.

I am, Governor, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

ORDER OF GENERAL HANCOCK DISCLAIMING JUDICIAL FUNCTIONS IN CIVIL CASES.

General Orders No. 1.

Headquarters Fifth Military District,
New Orleans, La., January 1, 1868.

Applications have been made at these headquarters implying the existence of an arbitrary authority in the Commanning General touching purely civil controversies.

One petitioner solicits this action, another that, and each refers to some special consideration of grace or favor which he supposes to exist, and which should influence this Department.

The number of such applications and the waste of time they involve, make it necessary to declare that the administration of civil justice appertains to the regular courts. The rights of litigants do not depend on the views of the general—they are to be adjudged and settled according to the laws. Arbitrary power, such as he has been urged to assume, has no existence here. It is not found in the laws of Louisiana or of Texas—it cannot be derived from any act or acts of Congress—it is restrained by a constitution and prohibited from action in many particulars.

The Major-General Commanding takes occasion to repeat that while disclaiming judicial functions in civil cases, he can suffer no forcible resistance to the execution of process of the courts.

By command of Major-General Hancock.

[Official.]

COMMUNICATION CONCERNING AN APPLICATION BY A RAILROAD COMPANY.

Headquarters Fifth Military District,
Office of Secretary for Civil Affairs,
New Orleans, La., January 2d, 1868.

Henry Van Vleet, Esq., Chief Engineer:

Sir:—In reply to your communication, requesting the Major-General commanding to issue a certain order relative to the New Orleans, Mobile and Chattanooga Railroad Company, I am directed by him to state:

That the order asked for embraces questions of the most important and delicate nature, such as the exercise of the right of eminent domain, obstruction of navigable rivers or outlets, etc., and it appears to him very questionable whether he ought to deal with questions of that kind; nor is it clear that any benefit could result to the company from such an order.

So far as the state of Louisiana is concerned, there can be no difficulty in obtaining a decree of appropriation of the land which may be required for the enterprise, according to the existing laws, as the company has been regularly incorporated under the general corporation act. Be this, however, as it may, the question of *power*, which the company desires solved by the proposed order, belongs properly to the judiciary and therefore the Major-General Commanding declines to take action in this matter.

If you desire, the papers in this case, together with a copy of this letter, will be forwarded to the Secretary of War.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

ORDER OF GENERAL HANCOCK REVOKING CERTAIN INSTRUCTIONS ISSUED BY HIS PREDECESSOR TO THE BOARDS OF REGISTRATION, AND RELATING TO THE DUTIES OF BOARDS OF REGISTRATION.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., January 11, 1868.

GENERAL ORDERS No. 3.

Printed "Memoranda of disqualifications for the guidance of the Board of Registrars, under the Military bill passed March 2, 1867, and the bill supplementary thereto," and "Questions to be answered by persons proposing to register," were distributed from these headquarters in the month of May, 1867, to the members of the Boards of Registration, then in existence in the states of Louisiana and Texas, for the registration of "the male citizens of the United States" who are qualified to vote for delegates under the acts entiled "An Act to provide for the more efficient government of the rebel states."

These "Memoranda" and "Questions" are as follows:

[The Memoranda, being lengthy, are ommitted.]

Grave differences of opinion exist among the best informed and most conscientious citizens of the United States, and the highest functionaries of the national government, as to the proper construction to be given to the acts of Congress prescribing the qualifications entitling persons to be registered as voters, and to exercise the right of suffrage at the elections to be holden under the act entitled "An Act to provide for the more efficient government of the rebel states" and the acts supplementary thereto. Such differences of opinion are necessary incidents to the imperfection of human language when employed in the work of legislation.

Upon examining those acts, the Commanding General finds himself constrained to dissent from the construction given to them in the "Memoranda" referred to. This construction would of course necessarily exclude all officers holding offices created under *special* acts of the state legislatures, including all officers of municipal corporations, and of institutions organized for the dispensation of charity, under the authority of such special laws. Such a construction, in the opinion of the Major-General Commanding, has no support in the language of the acts of Congress passed on the 2d and 23d of March, 1867, which were the only acts in existence when these "Memoranda" were distributed. Since that time, however, what was before, in the opinion of the Commanding General, only an error of construction, would now be a contravention of the law, as amended and defined in the Act of July 19, 1867.

The Major-General Commanding also dissents from various other points in the construction given to the disqualifying clauses of the acts in question, as shown by the "Memoranda" referred to, but he will add nothing further to what he has already said on the subject, because his individual opinions cannot rightfully have, and ought not to have, any influence upon the Boards of Registration in the discharge of the duties expressly imposed upon and intrusted to them by these acts of Congress as they now stand. The Boards of Registration are bodies created by law with certain limited but well-defined judicial powers. It is made their especial duty "to ascertain, upon such facts as they can obtain, whether any person applying is entitled to be registered" under the acts. Their decisions upon the cases of individual applicants are final as to the right, unless appeals are taken, in the proper form, and carried before competent superior authority for revision; and, like the members of ordinary courts engaged in the exercise of judicial functions, it is the bounden duty of the members of the Boards of Registration to decide upon the questions as to the right of any applicant, on the facts before them, and in obedience to the provisions of the law.

Since the passage of the act of July 19, 1867, it is not only the right, but the solemn duty of the members of these boards, each for himself, and under the sanction of his oath of office, to interpret the provisions of the acts from which the authority of the boards was derived, and to decide upon each case according to the best of his own judgment.

The distribution of the above "Memoranda" was well calculated to produce the impression in the minds of the members of Boards of Registration, that they constituted rules prescribed to them for their government in the discharge of their official duties which they were required to obey; and it seems certain from various communications of facts in relation to the mode of carrying out the registration, that they were so regarded by the members of the boards, and that they not only influenced, but in point of fact, controlled the proceedings of the different boards.

In consequence of this, and as the time for the revision of the registration in the state of Texas is now at hand, and the duty of making the revision will, it is probable, in a great degree be performed by persons who are members of the Boards of Registration, to which the "Memoranda" in question were distributed for their guidance, the Major-General Commanding deems it of importance that the members of the Boards of Registration, and the people at large, should be informed that the "Memoranda" before referred to, distributed from the headquarters of this Military District, are null and of no effect, and are not now to be regarded by the Boards of Registration in making their decisions; and that the members of the Boards are to look to the laws, and to the laws alone, for the rules which are to govern them in the discharge of the delicate and important duties imposed upon them.

For this purpose they will be furnished with copies of the acts of Congress relating to this subject, and of the amendment (known as Article XIV.) to the Constitution of the United States.

In case of questions arising as to the right of any individual to be be registered, the person deeming himself aggrieved, is entitled to his appeal from the decision of the Board, and the Boards are directed to make a full statement of the facts in such cases, and to forward the same to these headquarters without unnecessary delay.

By command of MAJOR-GENERAL HANCOCK.
[Official.]

ORDER FOR CONVENING A SPECIAL CIVIL COURT FOR THE TRIAL OF CRIMINAL CASES.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., January 2, 1868.

SPECIAL ORDERS No. 1.

[EXTRACT.]

* * * * * * * * * *

3. *Whereas,* The presence of an epidemic at Corpus Christi has prevented the holding of the usual term of the District Court of Nueces county, Texas; and

Whereas, A large number of criminal cases are on the docket of said court that should be tried without delay:

It is therefore ordered, That a special term of the District Court for Nueces county shall be held on Monday, the thirteenth day of January, 1868, for the trial of all criminal cases that may be brought before it.

Such court shall continue in session for three weeks, unless the business before it is sooner disposed of.

All process in criminal cases shall be, and they are hereby made, returnable to the said special term of said court.

The proper officers of that county will cause the usual number of jurymen to be drawn and summoned.

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By command of Major-General Hancock.
[Official.]

CONCERNING THE LEVY OF A SPECIAL TAX.

Headquarters Fifth Military District,
Office of Secretary for Civil Affairs,
New Orleans, La., January 12, 1868.

His Excellency E. M. Pease, Governor of Texas, Austin, Texas:

Governor : I am directed by the Major-General Commanding to acknowledge the receipt of your letter and accompanying documents relative to an application from the Mayor and City Council of Houston, for authority to hold an election to determine whether a special tax shall be levied for the purpose of raising means with which to cut a ship's channel to Galveston Bay, and to state that if the power to hold such election was not conferred upon the city of Houston by its act of incorporation, nor by any act of the legislature, no such election, and no tax levied for such a purpose would be legal.

I am, governor, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

RELATING TO THE COLLECTION OF TAXES.

Headquarters Fifth Military District,
Office of Secretary for Civil Affairs,
New Orleans, La., January 15, 1868.

H. Peralta, Esq., Auditor of Public Accounts, New Orleans, La:

Sir : I am directed by the Major-General Commanding to acknowledge receipt of your letter of the 13th inst., in which you state that the "taxes imposed by the Constitutional Convention cannot be collected through the ordinary process of collecting taxes in this State," and "refer the whole matter to him for his action;" and in reply to state that the tax-collectors of the parishes of Orleans and Jefferson, in their report to you of the same date, say that "the tax-payers have generally refused to pay the tax." By reference to the ordinance of the convention, you will find "that the Auditor of Public Accounts of the state shall, as under existing laws in relation to the collection of taxes, superintend and control the collection of said tax of one mill per cent., and shall give immediate notice and instructions to the different sheriffs and tax collectors."

It does not appear, from your statement, that any process for the collection of this tax has issued, or that any other steps have been taken, except giving notice in the newspapers, and a demand to pay, which has been refused. No resort has been made to those coercive means to enforce the payment of taxes pointed out by the laws of the state ; this it is your duty to direct the tax-collector to do. When that is done, and forcible resistance should be made, the Major-General

Commanding will, upon it being reported to him, take prompt measures to vindicate the supremacy of the law.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

RELATING TO THE COLLECTION OF TAXES.

Headquarters Fifth Military District,
Office of the Secretary for Civil Affairs,
New Orleans, La., January 21, 1868.

Hon. Wm. P. McMillan and Hon. M. Vidal, Special Committee:

Gentlemen: The Major-General Commanding directs me to acknowledge the receipt of your letter of the 17th instant, and to state in reply that the second ordinance of the Constitutional Convention, adopted on the 4th of January, 1868, provides a new mode for the collection of the tax, and imposes penalties on defaulting taxpayers.

You request the Commanding General to state what his action would be should the civil courts of Louisiana interfere with the collectors in the discharge of their duties.

In this connection the Commanding General deems it unnecessary to repeat what he has already stated in reply to a previous letter concerning his authority on this subject.

It would be highly improper for him to anticipate any illegal interference of the courts in the matter.

Whenever a case arises for the interposition of the powers vested in the Commanding General by the acts of Congress, he will promptly exercise them for the maintenance of law and order.

I am, sir, very respectfully, your obedient servant,

W. G. MITCHELL,
Bvt. Lieut.-Col. U. S. A., Sec'y for Civil Affairs.

LETTER OF GENERAL HANCOCK TO GENERAL HOWARD ON THE USURPATIONS OF THE FREEDMEN'S BUREAU.

Headquarters Fifth Military District,
New Orleans, La., February 24, 1868.

Major-General O. O. Howard, Commissioner of Bureau Refugees, Freedmen, and Abandoned Lands, Washington, D. C.:

General: Referring to the report of Captain E. Collins, Seventeenth infantry, sub-assistant commissioner of the Bureau refugees, freedmen, and abandoned lands, at Brenham, Texas, dated December 31, 1867, and transmitted by you for my information, I have the honor to state that I do not understand how any orders of mine can be interpreted as interfering with the proper execution of the law creating the Bureau. It is certainly not my intention that they should so interfere. Anything complained of in that letter, which could have lawfully been remedied by the exercise of military authority, should have received the action of General Reynolds, who, being military commander, and also Assistant Commissioner for Texas, was the proper authority to apply the remedy, and to that end was vested with the necessary power.

A copy of the report of Captain Collins had already been forwarded to me by General Reynolds before the receipt of your communication, and had been returned to him January 16th, with the following indorsement: "Respectfully returned to Brevet Major-General J. J. Reynolds, commanding District of Texas.

"This paper seems to contain only vague and indefinite complaints, without specific action as to any particular cases. If Captain Collins has any special cases of the nature referred to in his communication, which require action at these headquarters, he can transmit them, and they will receive attention."

No reply has been received to this—a proof either of the non-existence of such special cases, or of neglect of duty on the part of Captain Collins in not reporting them. It is, and will be my pleasure as well as duty, to aid you and the officers and agents under your direction, in the proper execution of the law. I have just returned from a trip to Texas. Whilst there I passed through Brenham twice, and saw Captain Collins, but neither from him nor from General Reynolds, did I hear anything in regard to this subject, so far as I recollect.

There are numerous abuses of authority on the part of certain agents of the Bureau in Texas, and General Reynolds is already investigating some of them.

My intention is to confine the agents of the Bureau within their legitimate authority, so far as my power as district commander extends; further than that, it is not my intention or desire to interfere with the Freedmen's Bureau. I can say, however, that had the district commander a superior control over the Freedmen's affairs in the district, the Bureau would be as useful, and would work more harmoniously, and be more in favor with the people. At present there is a clashing of authority. I simply mention the facts without desiring any such control.

The reconstruction acts charge district commanders with the duty of protecting all persons in their rights of person and property; and to this end authorize them to allow local civil tribunals to take jurisdiction of, and try offenders; or if in their opinion necessary, to organize a military commission or tribunals for that purpose.

They are thus given control over all criminal proceedings for violation of the statute laws of the states, and for such other offenses as are not by law made triable by the United States courts. The reconstruction acts exempt no class of persons from their operation, and the duty of protecting *all* persons in their rights of person and property, of necessity invests district commanders with control over the agents of the Bureau, to the extent of at least enabling them to restrain these agents from any interference with, or disregard of their prerogatives as district commanders.

The district commanders are made responsible for the preservation of peace and the enforcement of the local laws within their districts; and they are the ones required to designate the tribunals before which those who break the peace and violate these laws shall be tried.

Such being the fact, many of the agents of the Bureau seem not to be aware of it. In Texas some are yet holding courts, trying cases, imposing fines, taking fees for services, and arresting citizens for offenses over which the Bureau is not intended by law to have jurisdiction.

General Reynolds is aware of some of these cases, and is, as I have already mentioned, giving his attention to them.

In Louisiana, this state of affairs exists to a less extent, if at all.

I am, General, very respectfully, your obedient servant,

W. S. HANCOCK,
Major-General U. S. Army, Commanding.

About the date of the preceding letter, however, the time had arrived when it was thought necessary by the controlling powers at Washington to supersede

General Hancock's administration in Louisiana and Texas, it being deemed an obstacle in the way of the congressional plan of reconstruction, which contemplated the complete suppression of the civil authorities of those states and the substitution of military commissions. Gen. Garfield, the Chairman of the Military Committee in the House of Representatives, introduced a bill to reduce the number of major-generals in the army with the avowed object of getting rid of Hancock, and thus punish him for his steadfast subordination of the military to the civil jurisdiction. This bill, however, was never pressed to its passage, being deemed by those friendly to its object as too likely to excite a popular demonstration in favor of the persecuted individual.

A safer method was adopted. General Grant, having been invested by Congress with extraordinary powers, so as to be no longer responsible to the President, his constitutional commander-in-chief, was induced to interfere in such manner with Gen. Hancock's official action as to humiliate him before the people he was sent to govern. This naturally soon led to Gen. Hancock's application to be relieved of his command.

About this time he wrote to a friend in Congress, as follows:

* * * "I hope to be relieved here soon. The President is no longer able to protect me. So that I may expect one humiliation after another, until I am forced to resign. I am prepared for any event. Nothing can intimidate me from doing what I believe to be honest and right."

His letter to Governor Pease, in which Gen. Hancock vindicated the justice and policy of his administration, bears date the 9th of March, 1868, and on the 16th of the same month (seven days afterwards, he was relieved of his command.

CIVILIZED BULLDOZING IN MASSACHUSETTS AND RHODE ISLAND.

The attention of the Senate committee charged "to inquire whether any citizen of any state has been dismissed or threatened with dismissal from employment or deprivation of any right or privilege by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with, and whether citizens of the United States were prevented from exercising the elective franchise, or forced to use it against their wishes, by * * * any unlawful means or practices," was directed to the states of Massachusetts and Rhode Island by a large number of affidavits from citizens of those states. The specific allegation was made that employers of labor in those states coerced their employees to vote as the employers wished, and that deprivation of employment was the penalty for refusal to do so. Among the data submitted to the committee in proof of this allegation was a circular, which was in these words .

Dear Sir: Your co-operation with the Massachusetts Republican State Central Committee is most earnestly requested. It is in your power, by the authority you can exercise over those employed by you, to maintain the honor of Massachusetts, and keep it out of the hands of spoilers and political knaves who have selected General Butler as their candidate. His election would disgrace our state, and ruin our standing at home and abroad. A thorough canvass of those you employ, and an early report to the secretary of the Republican State Central Committee, will be thankfully received.

This was issued in the canvass of 1878, but by whom the committee could not ascertain.

MEETINGS OF MANUFACTURERS HELD TO INTIMIDATE VOTERS.

A meeting of manufacturers was held at Worcester, Mass., in the office of Mr. Washburne, Chairman of the Republican City Committee. The purpose of this meeting was to urge the employers of labor there present to exercise their influence. They were asked to call their employees together and address them on the issues. This was done in at least one case. The action taken at this meeting was spoken of by the employees affected as being prejudicial to their freedom of action. Fear of loss of work if they voted or acted against their employers' wishes was frequently expressed. The result of the meeting, and its action, was a degree of intimidation to the employee. A witness said the meeting was held for the purpose of "forcing their help, through dread of non-employment, to vote contrary to their wishes and according to the wishes of their employers." And still another described it thus :

Q. What was the effect, as you gathered it from the employees themselves, upon their minds ?
A. Its effect was this : that while up to that date the operatives and employees, as a general rule, in Worcester County, had been enthusiastic, had thronged our rooms, the Democratic headquarters, day and evening almost. A great many of them then came and expressed doubts as to whether they would be able to vote or act openly for this reason; that they understood that this meeting had been held, and that that was the policy that would be adopted. In consequence of that, there was a decided coolness at that time on the part of this class of men. A great many upon whom we had counted with absolute certainty up to that time, were missing or else voted against us.

Senator Wallace, in behalf of the committee, reported upon several of these cases as follows :

OPERATORS INTIMIDATED AND DISCHARGED.

Your committee are of opinion that in very many instances during that election the ballot was cast by operatives against their own deliberate convictions, and in favor of the candidates of their employers, and that this was the result of a fear of loss of work at the beginning of winter.

This policy of keeping "inside the law" was publicly proclaimed in the *Herald*, a leading and influential newspaper in Boston, which earnestly and effectively aided the cause of those who called and held those meetings of employers, in these words :

> There will probably be a good deal of "bulldozing" done in Massachusetts this year of a civilized type. The laborers employed by General Butler in his various enterprises—mills, quarries, &c.—will be expected to vote for him or give up their situations. The same rule will hold good on the other side. There will be no shot-guns or threats. Everything will be managed with decorum, adorned by noble sentiments. But the men who oppose Butler employ three-fourths, if not seven-eighths, of the labor of the state. They honestly believe that Butler's election would injure their property. They know that idle hands are waiting to do their work. It is not to be expected that they will look on indifferently and see their employees vote for a destructive like Butler. Human nature is much the same in Massachusetts and Mississippi. Only methods are different. Brains, capital, and enterprise will tell in any community. It is very improper, of course, to intimidate voters, but there is a way of giving advice that is quite convincing.

This action was described before your committee as "civilized bulldozing," and its occurrence was said to be much more frequent and effective in the manufacturing villages than in the cities.

> It is impossible that there should be so much in the cities as in towns. It is easier to bring to light the wrong-doings of an employer there; it is harder to cover them up, because of the public press and because of the number of the people who would become cognizant of them. In a factory town it is different. There is no newspaper there; the operative lives in a tenement belonging to the manufacturer; his wages are small; his wife probably works in the mill; his children probably work in the mill; and, if he is any way fractious, or opposed to voting in a way that these people dictate, his wife, children, and himself are turned out of the mill, out of the tenement, and out of the means of earning a livelihood.

The case of the Manchaug Manufacturing Corporation, in the county of Worcester, was cited as one of those in which this policy of "civilized bulldozing" was pursued. The testimony disclosed the following facts: Manchaug is a manufacturing village, wherein the real estate, mills, houses, churches, halls and public buildings were owned by the stock company which there manufactured muslin fabrics. They employed a large number of persons as workmen, many of whom were French Canadians. The number of voters at the mills were upwards of 100 in 1878, of whom three-fourths were Democrats. All of the managing force, superintendents and bookkeepers, were Republicans. Many young people of both sexes were employed at the mills, and their homes were with their parents in the tenement houses of the corporation. One case was shown in which a man who had served during the war occupied one of the company's houses, whilst his son and three nieces worked in the factory and lived with him. He describes what occurred as follows:

> I was not working for the corporation, but I was active in the campaign. I was one of the signers of the Butler call and one of the vice-presidents of the Butler Club. I contributed two or three dollars to the Butler flag-raising, when we were going to have a good time. Mr. Waters, who had asked for the hall, came to my house when I was not at home ; my wife told me of his being there. Immediately after this, a notice came from the mill that I must vacate my tenement within two weeks. It was signed by Robert McArthur and by Charles A. Chase, clerk. For two or three days nothing was said, and they sent for me to come to the shop.

The son was notified to quit work, and did quit. The effect of this notice to leave, upon men who had families dependent upon them, was to take away their freedom of action, and they were obliged to vote as their employers required, for they had no place to go with their families.

Its effect appears to have been decided upon the voters. Their timidity was described as follows:

They spoke to me about making arrangements about raising a flag, as I did not work for the company and cared nothing for the company. They were afraid to take an active part in it, but agreed to contribute toward defraying the expense. I had a list of some twenty-four names of those who contributed—some a dollar and some two dollars—toward hiring the band and paying the expense of a French speaker. After Mr. Waters came with a notice of Mr. Thayer's and Mr. Mellen's meeting, this notice which followed, from Mr. McArthur to my father, made a change. Those men did not seem to dare to speak to me on the front street there; they would come around after dark and call me out to speak to me; they would pass me on the street without speaking, and they told me, two or three different ones, that it was coming near winter, and they did not wish to lose their jobs; still they wished to vote for Butler.

BALLOTS TAKEN AWAY FROM VOTERS AND OTHERS FORCED UPON THEM.

The selectmen of the town have charge of the ballot-box on election day. McArthur, an employee of the company, was in charge of such in 1878. Chase and Knox, two other employees of the company, were in attendance. The workmen were provided with Republican tickets at the works, hauled in wagons to the polling place, and voted under the direct supervision of McArthur, Chase and Knox. A witness describes the process thus:

My attention was called to the peculiar way they had of mangaging the voters there. I stepped up to the little railing that they had there to go around and up to the polls, and I saw two men stationed at the entrance where the voters went in. One was a Mr. Chase, the other was a Mr. Knox. I saw that the help of the village (I was acquainted with a great portion of them) came along in a sort of rotation. Mr. Chase was on one side and this Mr. Knox was on the other, and as each man came up they would take hold of the ticket that the man had, and say, "That is right, pass on." Another would come up, and they would say: "That is right, pass on." Another would come up, and they would say: "Hold on, that is not the vote you want to cast." "Why, yes, it is the vote I want to cast." "No, it is not." "Why, certainly, this is my vote." "O, no;" and he got it out of the man's hand, tore it up and threw it on the floor. He said, "You do not want to vote such a damned vote as that." He then handed the voter another one. The man then remarked, "I don't want to cast this vote." The reply was, "Go right along; that is the vote you want." The man went right along and put it in the box. Mr. Hastings, the constable, stood right opposite, and I stood, perhaps, four feet from this Mr. Knox.

Another instance is given thus:

Q. Who was at the polls to receive the employees in November last? A. Mr. Chase.

Q. Is he connected with the corporation? A. He is the book-keeper there.

Q. Who takes them from the mills to the polls? A. The teams of the corporation take them.

Q. What have you seen in regard to tickets when they have got to the polls? A. I have seen Mr. Chase change their tickets. He generally stands at one side there where there is a small place to go through, and, as they come along, he always has the ballots there, and I have seen him change them, and have seen them get tickets from him and carry them in.

Q. The specific tickets you speak of, did they examine those? A. I do not know whether they could or not. Pretty nearly all of those who work there are French, and I do not know whether they could examine them.

Q. Do you know whether those tickets were in envelopes or open? A. I have seen Mr. Chase give tickets to them that were open.

Q. Did you see this occur in November, 1878? A. Yes, sir.

Q. Specify an instance and describe how this occurred, if you can? A. As they passed along he was standing there on this side, and as they would come up to the polls he would stop them, hand them one of the tickets, and say, "Here, carry it in." They might have had an envelope or something of that kind. I have seen them have envelopes. I have seen that occur.

The ballot-boxes were open boxes and those in charge could see the form and appearance of the ballot voted, and they were easily distinguishable apart.

The result of this close supervision of the votes of the operatives by their employers, and the fears which prevailed among them lest they should be discharged, very naturally affected the result in the district in which they voted, and gave to the candidates favored by the employer a large number of votes they would not have received if perfect freedom of action had been allowed to the workmen.

Your committee examined a number of witnesses in regard to the management and manner of voting at Webster, Worcester County, by the employees of the Slater Manufacturing Company, where several hundred men are employed; a majority of whom are Irishmen, and the proof showed about the same state of facts as existed in Manchaug.

The same was the case at the Douglass Axe Factory, where the agents of the company stood at the door of the election-house, watched every one of the employees who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket.

The Boston Elastic Fabric Company employs a large number of hands, most of whom were Democrats, but under the orders of their employer, Mr. McBirney, they were nearly all required to vote the Republican ticket in November, 1878. The foreman of the factory stood at the polls in Chelsea all day on election day between the door and the ballot-box, and required the men employed under him to vote the Republican ticket. Another of the employees was directed to tell them that this was their employer's wish, and they must govern themselves accordingly. This was done and the men very generally obeyed the orders given. One testified that he did not and was soon driven out of that employment.

THE AID OF THE CHURCH INVOKED.

The campaign of 1878, in Massachusetts, seems to have been anomalous. For the first time, so far as your committee could learn, ministers of the Christian religion were openly invited to aid in the campaign by furnishing the names and post-office address of their church members, to the end that documents containing the dogmas of a political party might be sent to them through the mails.

A circular in the following form was sent to every clergyman in the state, whose name and address could be found from the religious monthlies:

Republican State Committee of Massachusetts,
Headquarters, 376 Washington Street,
Boston, September. 26, 1878.

Adin Thayer, Chairman.
S. B. Stebbins, Treasurer.
George C. Crocker, Secretary.

Dear Sir: In order to enable us to distribute documents effectively, will you kindly furnish us immediately with a list of the male members of your church and parish, and with such other names as you may deem expedient. By so doing, you will aid us in saving the honor of our commonwealth.

With esteem, yours,
ADIN THAYER, Chairman.
George C. Crocker, Secretary.

There were a large number of responses, and documents were sent to the names and addresses furnished. Of the character of the documents furnished to the members of the churches, your committee did not learn, but it is fair to suppose that, as the following circular seeks to arouse the alarm and indignation of "Christian citizens," it was forwarded to church members:

Republican State Committee of Massachusetts,
Headquarters, 376 Washington Street,
Boston, September 19, 1878.

Adin Thayer, Chairman.
S. B. Stebbins, Treasurer.
George C. Crocker, Secretary.

Dear Sir: A desperate attempt is being made, under a hypocritical pretense of state reform, to deliver Massachusetts over to the Repudiationists, Greenbackers, and Communists.

This attempt should excite the alarm and indignation of every Christian citizen, and call forth the active, earnest, and persistent opposition of every lover of the fair fame of Massachusetts.

It must be met defiantly and vigorously at once by private and public appeal to the intelligence, honor, and conscience of Massachusetts.

The state ticket nominated by the Republican party stands for public and private honesty and national good faith.

We earnestly invoke your active aid in securing its election, and thus saving the "old commonwealth" from the control of unscrupulous and self-seeking demagogues.

Per order of the Republican State Committee.
ADIN THAYER, Chairman.
George P. Crocker, Secretary.

Your committee deems this system of electioneering dangerous and vicious, calculated as well to bring the Christian religion into the mire of politics as to arouse sectarian animosity among the people.

CIVILIZED BULLDOZING IN RHODE ISLAND.

In pursuing another duty enjoined by the Senate in Rhode Island, this subject of controlling the votes of employees by the employers, through fear of loss of work, was incidentally examined.

At Westerly, in the southwestern part of the state, there are two corporations known as the New England Granite Company and the Smith Granite Company. They employed in 1876 about 150 men in getting out and preparing granite. Direct influence was brought to bear upon these employees about a week before the Presidential election of 1876 by these corporations issuing a handbill and circulating it where the men worked, which stated that the election of Mr. Tilden would be a great injury to their business, and by the concluding paragraph, which declared they would secure *their own* interest by voting against Mr. Tilden. The circular was in these words:

> TO ALL VOTERS
> Employed by the
> N. E. GRANITE WORKS AND THE SMITH GRANITE CO.
>
> Having become fully convinced that the election of Samuel J. Tilden and a Democratic Congress, on the 7th of November, will do a great injury to our business, and will also be a National Calamity, we do most earnestly advise all VOTERS IN OUR EMPLOY to vote the Republican Ticket, more especially for a Republican Member of Congress. You will, by so doing, secure your own interest, our interest and the interest of your country.
>
> The N. E. GRANITE WORKS.
> The SMITH GRANITE CO.

The plain implication from the language here used is that the injury to the business of the corporation would result in loss of employment to the workmen, and it undoubtedly had the effect to intimidate voters.

It was shown that at Hope Village in the Congressional election the Republicans used a colored ballot of a very distinctly marked color. At that time there were a number of Democrats employed in the works who attended Democratic meetings and desired to vote that ticket, but when these men came to vote on election day, men in the employ of the Hope Manufacturing Company stood at the ballot-box and watched the ballots all day. Some of these Democrats declared that they did not dare to vote.

At Woonsocket there are seven or eight large manufacturing establishments They employ many workmen, a majority of whom are of foreign birth, and among the employees are many whose political opinions are Democratic. It was shown that at almost every election for years these men voted under the eye of their employers' agents who were Republicans, and in very many cases under circumstances showing intimidation and fear of loss of work.

COMPANIES' AGENTS IN CHARGE OF POLLING PLACES.

One witness described the acts which he thought amounted to intimidation, in this language:

> From the Woonsocket Machine Company at the last Congressional election, they had their overseer posted about two feet from the ballot-box, and he was handing ballots to the operatives as they came up to vote. His name is Charles A. Chase. I remember now a party who did work for the Woonsocket Machine Company, who told me, shortly after the election, that he was going to lose his position, and he did lose it. About a month after that they discharged him because he would not peddle Republican ballots in the shop.

Another witness describes it thus:

> I have known men employed in the Woonsocket machine shop to be marched up, in the hall, in squads by a man named Chase, who had some position there—I do not know whether it was that of engineer or what it was—and compelled to hold their hands up with the ballots in them in this manner. [The witness elevated his right hand to a level with his head.] They walked along and he went with them, watching them until, as each man dropped the ballot in, he took his eye off the man. At the last Congressional election I saw him march up two sqaads from the machine shop. I know one man up there who, at the same election, informed me that he wanted to vote the Democratic ticket, but was obliged to vote the Republican ticket, because he had been given to understand that it would be for his interest to do so. His property was mortgaged, and a party who ran on the Republican ticket controlled, or his intimate friend controlled the mortgage at the time. The man was afraid to vote otherwise, he informed me. They have come to me, for instance, and to other Democrats in my hearing and sight and said, "We want a ticket." This was the evening before the election. And they gave us a ticket and said that they had to carry it or they would lose their job. There is a strong feeling in their minds that if they do not vote the ticket that is given to them by their employers they are liable to be turned off, that they are spotted, and, if anybody is turned off, it will be them. These employees who are Democrats, who have been furnished with

tickets or who say, "We shall be furnished with a ticket by the boss or the manufacturing company's agents," come to our headquarters and say, "We want a ticket in our pockets that is of our kind, so that we can vote it if we change it for the other." Well, the employers have found that they were being cheated by the men; that the men, in spite of their convincing advice, had got the tickets that they wanted to vote and had put them in. That accounts for their compelling the men to hold their hands up. They give them their ticket when they get out of the carriage and compel them to hold it up in their hands as they march along through the crowd.

COMPANY'S TIME-KEEPER NOTES HOW EACH EMPLOYEE VOTES.

It was shown that in the Tenth Ward of Providence, at the Presidential election of 1876, the time-keeper employed by The Corliss Steam Engine Company was at the polls with his book, and as every man working for his establishment would cast his ballot he would check his name or write his name down upon the book. He was not there as an official of the election. He would watch to see which way a man voted and then take memoranda in his book. Employees complained of this and said they were afraid to vote. The ward was largely Democratic, and this action produced disturbance on the part of citizens who sought to have the time-keeper removed, because the employees of the Corliss Steam Engine Company were afraid if they voted their principles, they would be discharged from the works, and he was finally removed from the place. This company employed several hundred men at that time.

REPUBLICAN DISCRIMINATION AGAINST FOREIGN-BORN CITIZENS.

Extracts from a report of the United States Senate Committee submitted by Mr. Wallace in the Senate :

Your Special Committee was directed to inquire and report to the Senate concerning the denial or abridgement of the right of suffrage to citizens of the United States, and now reports the result of its labors.

Article 11 of the Constitution of the State of Rhode Island prescribes the qualifications of electors in that state, which are further fully set forth in the General Statutes of the state, passed in pursuance of said article, from which we quote as follows :

CHAPTER V.

OF THE RIGHTS AND QUALIFICATIONS OF VOTERS.

SECTION 1. The two following classes of persons have by the Constitution—the first as registered and the second as unregistered voters—a right to vote in the election of all civil officers, and on all questions, in all legally organized town, ward, or district meetings.

First. Every *native* male citizen of the United States of the age of twenty-one years, and who has had his residence and home in this state two years, * * * whose name shall be registered in the office of the clerk of the town where he resides on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state to the amount of one dollar, including in such tax or taxes a tax upon his property in the town in which he shall offer to vote valued at least at one hundred and thirty-four dollars.

Second. Every male citizen of the United States of the age of twenty-one years who has had his residence and home in this state for one year, * * * and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved, or the interest of any incumbrances thereon, being an estate in fee simple, fee-tail for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days.

SEC. 2. The two following classes of persons have, by the Constitution, *as registered voters*, a right to vote in all elections, and on all questions as aforesaid. * * * * *

First. Every *male native citizen* of the United States of the age of twenty-one years, * * * and whose name shall be registered in the town where he resided at the time of such registry on or before the last day of December in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this state, to the amount of one dollar.

SEC. 3. The following class of persons have, by the Constitution, as *unregistered voters*, a right to vote in the election of all general officers, and members of the general assembly, in the town or city in which they shall have had their residence and home for the term of six months next preceding the election.

Every *male native citizen* of the United States of the age of twenty-one years, * * * and shall own any such real estate within this state, but out of the town or city in which he resides as is described in the second clause of the first section of this chapter, and who shall produce a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter, and that the deed, if any, has been recorded ninety days.

CHAPTER VI.

OF THE REGISTERING, LISTING, AND RETURNING LISTS OF VOTERS, AND OF PROOF OF THEIR QUALIFICATION TO VOTE.

SEC. 2. The town clerk shall register in such book, with the date of the registry, the name of every male inhabitant of the town who shall demand such registry and who shall declare that he is qualified by birth * * *.

SEC. 10. The assessors of taxes in each town shall, within five days after said second Monday of January in every year, assess upon every person whose name shall have been registered as aforesaid, as his registry tax, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar * * *.

The distinction herein made between the rights of native born and foreign born citizens to vote, is so broad and well marked that at the outset of our inquiry the attention of your committee was arrested by it, as an anomaly in the American system, and we have given it careful examination and thought.

Carl W. Ernst, an intelligent Republican foreign born citizen, gives an estimate, after a careful examination, and places the number of disfranchised foreign born citizens at not less than 10,000 to 15,000. He testifies as follows:

Rhode Island contains not less than 75,000, probably 80,000 males twenty-one years old or more. The highest vote ever polled in this state is that of 1876, for President, when 26,627 votes were cast. The state census of 1875 gave 42,741 as the number of legally qualified voters, and, approximately, 72,257 as the number of males of 21 years or more. It appears, then, that in 1875 nearly 30,000 males were either disfranchised citizens or aliens. It is reasonable to assume the following as correct:

Number of possible voters	80,000 or	100 per cent.
Number of legal voters	45,000 or	56 per cent.
Number of disfranchised citizens	17,500 or	22 per cent.
Number of aliens	17,500 or	22 per cent.

The Chairman: You have been called at my instance, because, having observed some statistics in the paper which you edit, I wish to get some information from you upon the subject of which they treated.

The witness: The result of the last calculation that I made was that the state must have now about 300,000 inhabitants. Applying the ordinary rate of voters which obtains throughout the country, it would follow that we ought to have very nearly 70,000 persons entitled to vote. The registered voters was 42,000 and something. So that that shows there are at least 24,000 not accounted for. In Dr. Snow's report the persons enumerated as qualified voters are not persons actually qualified, but persons who have the constitutional qualifications to vote. They include, for instance, the unregistered registry voters, the explanation which he gives himself. And, therefore, I am obliged to infer that the number of persons who are either alien residents or who are disfranchised citizens is very much greater than is commonly supposed. The United States census of 1870 enumerates about 43,000 voters in this state. Dr. Snow's census, taken five years later (that of 1875), enumerates about 42,000. We have in Rhode Island the extraordinary phenomenon of a constant decrease in the number of voters (who are almost exclusively natives), while the number of residents who are disfranchised increases. To all intents and purposes Rhode Island has now more people of foreign birth or foreign parentage than it has of people who are natives, and that fact applies as emphatically to this city of Providence and to some of the principal towns of the state as it does any other portion of the state. I speak of the whole state. I say that of the population of the whole state there must be to-day at least thirty per cent. of persons born abroad, and at least thirty per cent. of persons of foreign parentage; the remaining forty per cent. being of persons who are natives of this country. We have at least 75,000 males in this state over twenty-one years of age. Of these 75,000 about 40,000 (I hardly think more than that) are registered voters, or persons who can appear at any election. That leaves 35,000 to be accounted for. Of these not less than 5,000 are persons who are constitutionally qualified to vote, but who have failed to register or pay their taxes, and in that way are thrown out. Of the 30,000 remaining to be accounted for a large number are undoubtedly natives of this country or of other states, aliens, and a floating population, the latter being made up of persons who come here for certain periods; for instance, Canadians who work in our factory villages, jewelers who work in our shops, and others, mainly young men, who come here for temporary employment. These 30,000 cover also certainly a number of alien residents who eventually, undoubtedly, would take out their naturalization papers if they could vote, but who have now no interest in becoming citizens of the country. We come now to the number of disfranchised citizens. Making a liberal allowance for the floating population, I think that the number disfranchised in this state cannot be less than 10,000, and it may be 15,000. I speak of citizens of the United States who are in the same position in which I am, who are citizens of the country, but who are not allowed to vote because they do not have the necessary real estate.

In order to aid in ascertaining the probable number of persons, citizens of the United States, who were denied the privilege of voting because of their nativity, or by reason of the restrictive laws before quoted, the state census of Rhode Island of 1875 has been taken by your committee as a basis of calculation.

The total population in 1875 was	258,239
" " number born in the United States	186,609
" " " " foreign countries	71,630
The total number of votes	42,741
" " " native born	37,377
" " " foreign	5,364

or one to every thirteen born abroad, while one to every five in the whole population is the general rule.

Of the whole number of persons in Rhode Island there were :

Native born	72.22 per cent.
Foreign born	27.67 “ “
Of American parentage	52.17 “ “
Of foreign parentage	47.83 “ “

Of the whole number of voters there were :

Native born	87.45 per cent.
Foreign born	12.55 “ “

The whole male population over twenty years of age was 74,753, of whom 52.17 per cent. were voters. Comparing Rhode Island with Massachusetts we find that the percentage of votes to the male population over twenty years of age was as follows.

Rhode Island	57.17 per cent.
Massachusetts	76.34 “ “

Of the whole number of voters in these states there were :

In Massachusetts, native born	80.03 per cent.
In Rhode Island “ “	87.45 “ “
In Massachusetts, foreign born	19.07 “ “
In Rhode Island, “ “	12.55 “ “

Of the whole number of male persons the following percentage were voters :

In Massachusetts	44.00 per cent.
In Rhode Island	34.04 “ “
In Massachusetts in the whole number persons there are voters	21.25 “ “
In Rhode Island “ “ “ “ “ “ “	16.55 “ “

Or a loss of 4.70 per cent. as compared with Massachusetts, which would be a loss of 12,000 votes as compared with that state.

This comparison with Massachusetts is more favorable to Rhode Island than if made with any other state, owing to the educational qualification there existing.

In the light of the testimony taken by the committee, the discrepancy between the voting population of Massachusetts and Rhode Island is readily accounted for. It is the result of the practical denial of suffrage to citizens of the United States of foreign birth, and of impediments to the exercise of the electoral franchise by poor natives, under constitutional provisions, executed under rigid registry laws.

From the figures given by witnesses brought before the committee it is possible that, under the Fourteenth Amendment and the Act of 1872, Rhode Island might rightfully have been deprived of one representative in the House of Representatives of the Forty-fourth Congress, and that her additional vote in the Electoral College thus secured, decided the question of the presidency in 1877, the vote as returned by the Electoral Commission being 185 to 184, and it might again decide it.

As instancing the peculiar hardship of the real estate qualification in Rhode Island the following facts culled from the testimony are interesting.

Rhode Island has a less number of acres of land than any state in the Union, yet she is the only one where real estate votes.

Total number of square miles in Rhode Island	1,054.
Total number of acres in Rhode Island	674,560.
Total number of inhabitants to the square mile	244.90
Total number of inhabitants to the acre	2.61

According to the census of 1870 the total value of real estate and improvements in Rhode Island was $132,876,581, being in the proportion of $611 to each inhabitant. According to the census of 1875 and the Rhode Island Manual the total valuation of real estate and improvements in that year was $190,279,473, or $736 to each inhabitant. The total number of acres in farms 480,928, leaving but 193,632 otherwise classified, the total number being 6,363 farms, valued at $28,892,336, the farms averaging 75.58 acres at $4,540 per farm. Of the real estate improvements not classified as farming land the total valuation was $161,387,137, or an average of $833.47 per acre. The total number of dwelling-houses in the state was only 38,875 in 1875. The testimony shows that a large part of the foreign population was employed in the manufacturing establishments of the state, and that a small house suitable for an operative and his family would cost $2,000, and upwards.

Restricted suffrage, registry taxes upon poor men alone, statutory closing of the polls at sunset, instead of at eight o'clock, as formerly, by which the operatives in the mills are prevented from voting, and the compulsory payment of the registry tax ten months prior to the general election, in a presidential year, cause great complaints upon the part of the poor men and foreign born citizens in Rhode Island; and to these features of her laws many intelligent witnesses ascribe the small percentage of voters among her people and the large amount of corrupt practices in the elections of the state. A foreign-born soldier, breveted a major for gallantry, said, under oath, "I have never qualified myself to vote for the reason that I consider the principle wrong; that suffrage ought to be based on manhood, and not on real estate; and that no qualification was required for negroes, their color being sufficient passport, provided they vote right." In reply to the question, what action the government of the United States could take to remove the disqualifying features of the state constitution, he said, "that by the Fourteenth and Fifteenth Amendments of the Constitution of the United States, universal suffrage was forced upon the South, and that the rule ought to work just as well on the North." Another foreign-born soldier, breveted at Missionary Ridge as Lieutenant-Colonel, testified that he had tried to get many foreigners to become naturalized, telling them that in time they would become voters, but they would not do so, as they declared they would feel more degraded in becoming citizens of the United States, and not having the privilege of voting then they felt that they were without naturalization; he said that was his own feeling, and although he owned no real estate now, but did when he voted, he felt that one who had for so long been a soldier in the service of the country ought not to need any such qualification.

The owner of real estate gets upon the registry of voters by virtue of his real estate. The native born, owner of personalty, pays his taxes of over one dollar and thus he gets upon the registry, but the native who owns no taxable property must personally register himself and pay his taxes or he cannot vote; the foreign born citizen may own personalty, but cannot vote unless he owns real estate, and of course, he cannot get upon the registry. If registry taxes for one year are not paid the Constitution forbids the vote until the arrears for two years are paid up.

This is the explanation of the fact proved in this testimony that out of 42,741 voters shown by the census of 1875, to be in the state and qualified to vote, but 26,627 actually did vote in the hotly contested presidential election of 1876; 16,114 voters, or about three-eighths of the whole voting population, actually abstained from voting. No such percentage of non-voters is found anywhere, North or South, in that election. In the great central belt of states North, over 90 per cent. of the whole vote therein was polled at that election, whilst in Rhode Island but about 62 per cent. finds its way to the polls.

Naturalized citizens may own any amount of personal property, and pay any amount of taxes thereon, but they cannot vote unless possessed of a certain amount of real estate. Foreign born citizens who were naturalized and voted in Rhode Island long before the war of the rebellion, and who served the United States and the state of Rhode Island, in Rhode Island regiments throughout the war, and who have been shown to have lost this real estate, have been deprived of the right to vote by that loss.

As a specimen case your committee refers to that of Col. James Moran, of Providence. An abstract of his testimony is as follows:

Lived here twenty-eight years; foreigner; naturalized; entered service of United States from Rhode Island under promises made by the state officials that foreigners who went into the service could vote when they came back; commissioned as second lieutenant; promoted to captaincy; served three years; honorably discharged; held an election for officials in Rhode Island in his company in the army, but could not vote himself; was a voter once because he owned real estate; has lost it and cannot vote now; been colonel in militia, and notary public; majority of the operatives in the mills are foreigners; are changed about and can't save money to buy homes.

A similar case is that of Col. John M. Duffy, who had been a resident of Providence for twenty years. He entered the service of the United States in May, 1861, in the Second Rhode Island Volunteers, as a private, being promoted. subsequently, to sergeant, 2d lieutenant, and 1st lieutenant of that regiment. After same service in the Second Rhode Island Volunteers, he was honorably discharged to accept the commission in the United States Regular Army, as first lieutenant in the 13th Infantry, being brevetted lieutenant-colonel for gallantry at the battle of Missionary Ridge. He remained in the army until 1869, when he was discharged for disability, and received a pension of $15 per month. Col. Duffy acquired real estate after his return from the army, and upon becoming naturalized, was permitted to vote. Having lost his real estate from the vicissitudes of fortune, he has lost his right to vote.

The case of Hon. Thomas Davis, formerly a member of Congress from Rhode Island, is given in the following condensation of his testimony:

Live in Providence ; foreigner ; naturalized forty-five years ago ; seventy-five years old ; a manufacturing jeweler ; been in both branches of the legislature a number of times ; member of Congress from Rhode Island in 1853–'4 ; then owned real estate ; I am not now a qualified voter ; I failed in business and the title to my property passed to my assignees, and I cannot now vote ; colored men now vote here like native-born whites, while every foreign-born citizen is excluded unless he owns real estate ; the effect of this is bad ; it makes the voters mercenary ; wealth controls suffrage in Rhode Island ; money is all-powerful here ; it can overwhelm public sentiment at any time here ; have been both a Republican and a Democrat, but always advocated the repeal of this restriction.

Thomas McMurrough.—Naturalized ; cannot vote ; no real estate ; am president of the Rhode Island Suffrage Association ; presented a memorial praying for extension of suffrage to foreign-born citizens ; father lived in Massachusetts, a naturalized citizen and a voter there ; the line between the states was changed and we were thrown into Rhode Island we cannot vote now, for we own no land ; at least 5,000 naturalized citizens in the state who cannot vote.

Daniel Donovan.—Naturalized ; came from Connecticut ; lived in United States since five years old ; am a skilled mechanic ; ten of us work together in one room in our factory ; the highest grade room in it ; six of the ten are foreigners and cannot vote for want of land ; a house and lot to suit my family would cost me $3,000.

Repeated efforts have been made to secure the alteration of the Constitution of Rhode Island in regard to property qualifications for foreign-born citizens, but they have always been defeated. In the case of the submission of the question of the extension of suffrage to soldiers and sailors who had served in Rhode Island regiments during the war, submitted during the presidential canvass of 1876, the testimony shows that it was made a party question at the polls.

Witnesses testify that a minority of her people has ruled Rhode Island for more than fifteen years past, and that the opposition to the extension of suffrage came mainly from those now in power, who fear the loss of place that would follow.

The average vote cast in each Congressional district in the New England States in past four Congressional elections, is as follows :

STATES.	1872.	1874.	1876.	1878
Massachusetts	17,521	16,467	23,609	22,707
Vermont	14,333	12,940	21,448	16,358
Maine	18,101	19,565	25,357	25,749
Connecticut	24,232	26,528	30,539	26,089
New Hampshire	22,964	26,295	26,708	25,257
Rhode Island	9,465	3,381	13,026	9,198

It is thus seen that the average vote to the Congressional district in Rhode Island of the combined Democrat and Republican candidates was only 3,381 in 1874, whilst in the remainder of New England it was 20,359 to the Congressional district ; and while Connecticut in the presidential contest polled 30,539 votes in each of her Congressional districts, Rhode Island polled but 13,313 votes to choose a Congressman.

Florida and Rhode Island have each two Congressmen. The population of the former in 1870 was 187,748, of the latter 217,353 ; yet in the presidential election of 1872 Florida polled 33,190 votes, or one to every five and a third, whilst Rhode Island polled but 18,994, or one to every eleven and a half. In 1876 Florida polled a total of 46,772 votes, and Rhode Island but 26,627.

At the Congressional elections the comparison is as follows : in each Congressional district the average vote in—

STATES.	1872.	1874.	1876.	1878.
Rhode Island	9,497	3,381	13,313	9,198
Florida	16,595	17,639	23,386	19,549
South Carolina	19,036	28,952	36,555	34,439
Pennsylvania	28,970	20,560	27,798	24,281

The tables of the votes in these years show some curious facts when we consider the drift of newspaper sentiment in the past eight years as to the whole people voting in certain localities. They are worthy of careful examination and furnish proof of the most positive character that the repeated charge that suffrage is denied in the South to any class or race is untrue.

TABLES OF VOTES FOR PRESIDENT AND CONGRESS. SHOWING AVERAGE PER CONGRESSIONAL DISTRICT.

States.	No. of Congressional Districts.	Presidential Election.			
				Average per District.	
		1872.	1876.	1872.	1876.
Rhode Island	2	18,994	26,627	9,497	13,313
Massachusetts	11	192,732	259,703	17,521	23,609
Florida	2	33,190	46,775	16,595	23,386
Kentucky	10	191,135	259,608	19,113	25,960
Vermont	3	53,001	64,346	14,333	21,448
South Carolina	5	95,180	182,776	19,036	36,555
Louisiana	6	128,692	159,349	21,448	26,558
Maine	5	90,509	116.786	18,101	25,357
Connecticut	4	96,928	122,156	24,232	30,539
New Hampshire	3	68,892	80,124	22,964	26,708
Virginia	9	185,164	235,228	20,573	26.203
Alabama	8	169,716	170,232	21,214	21,279
Arkansas	4	79,300	97,029	19,825	24,257
Georgia	9	142,906	180,534	15,878	20,059
Mississippi	6	129,463	164,778	21,577	27,463
Missouri	13	273,059	351,765	21,004	27,058
North Carolina	8	164,863	233,844	20,607	29,230

States.	Vote for Congressmen.					
	No. of Dists.	1874.		No. of Dists.	1878.	
		Total Votes.	Average to District.		Total Votes.	Average to District.
Maine	5	*78,263	19,565	5	128,740	25,749
New Hampshire	3	78,885	26,295		75,773	25,257
Vermont	3	38,822	12,940	3	49,075	16,358
Massachussetts	11	181,142	16,467	11	249,783	22,707
Rhode Island	2	6,763	3,381	2	18,396	9,198
Connecticut	4	106,112	26,528	4	104,357	26,089
Alabama	..	......	......	8	88,306	11,039
Arkansas	3	55,116	18,372	3	42,558	14,186
Florida	2	34,279	17,639	2	39,098	19,549
Georgia	9	†115,574	14,447	9	125,511	13,946
Kentucky	10	128,462	12,846	10	159,905	15,990
Louisiana	6	‡121,554	24,311	..	......	......
Maryland	6	120,891	20,148	6	120,315	20,052
Mississippi	6	‖55,614	27,807	6	‖‖51,621	8,603
Missouri	13	253,451	19,496	13	322,120	24,778
North Carolina	8	§124,381	24,896	8	129,426	††16,178
South Carolina	5	144,760	28,952	5	172,198	34,439
Tennessee	10	154,106	15,410	10	146,572	14,627
Texas	6	¶ . .	......	6	216,392	27,049
Virginia	9	178,611	19,846	9	126,287	14,032
West Virginia	3	66,263	22,088	3	94,907	31,635

* Vote of four districts. † Vote of eight districts. ‡ Vote of five districts. ‖ Vote of two districts. § Vote of five districts. ¶ No opposition. ‖‖ No contest in eighth district.

TABLE OF CONTENTS.

PAGE.

PLATFORM OF DEMOCRATIC NATIONAL CONVENTION, 1880 3
GENERAL HANCOCK'S LETTER OF ACCEPTANCE 4
HON. WM. H. ENGLISH'S LETTER OF ACCEPTANCE 6
LIFE OF GENERAL WINFIELD S. HANCOCK 9
GENERAL HANCOCK AT GETTYSBURG 13
GENERAL HANCOCK'S CIVIL RECORD 16
THE CELEBRATED GENERAL ORDER NO. 40 17
PRESIDENT JOHNSON'S MESSAGE RELATIVE TO GENERAL ORDER NO. 40 18
GENERAL HANCOCK'S LETTER TO GOVERNOR PEASE, OF TEXAS 19
GENERAL HANCOCK'S ADDRESS AND MOTION IN THE BABCOCK CASE 26
GENERAL HANCOCK'S SPEECH TO THE CITIZENS OF WASHINGTON 28
GENERAL HANCOCK'S LETTER TO GENERAL SHERMAN, DEC. 28, 1876 29
LIFE OF HON. WM. H. ENGLISH 33
THE RECORD OF JAMES A. GARFIELD 53
  1. The Credit Mobilier Fraud 55
  2. The District of Columbia Ring and the De Golyer Bribe 80
    (*a*) Decision of Chicago Circuit Court on De Golyer Bribe 120
  3. The Sanborn Frauds 124
  4. The Back-Pay Grab and Salary Steal 131
  5. The Indian Ring—Garfield's Services in its Behalf 139
  6. Encouraging and Defending Petit Larceny 143
  7. Garfield the Champion of O. O. Howard 147
  8. The Black Friday Scandal—Garfield's Efforts to Suppress the Truth 151
  9. Garfield the Friend of Robeson 158
  10. Garfield Champions Geo. F. Seward 180
  11. Garfield and the Electoral Fraud—As Chief of the Conspirators, he was Counsel, Congressman and Judge 186
  12. Three Monstrous Grievances 189
    1. Troops at the Polls.
    2. Partisan Jury Laws.
    3. Partisan Election Laws—Supervisors and Deputy Marshals.
  13. The Pacific Mail Steal 233
  14. The Moth Swindle 240
  15. Garfield and the Laboring Men 244
  16. Some of Garfield's Votes 245
  17. Garfield and General Shields 250
  18. Garfield Against Free Salt 250
  19. Judgment of his Republican Constituents 251
  20. Garfield Against the Shipbuilders of New England 254
  21. Garfield Against the Tax-paying Distillers of his own State 256
  22. Garfield on Chinese Immigration 258
  23. Garfield Opposes Reduction of Duty on Printing Paper 264
  24. Garfield's Opposition to Foreigners 264
  25. Garfield's Religious Intolerance 265
  26. Garfield on Civil Tenure and Impeachment 266
CHESTER A. ARTHUR'S CIVIL RECORD 269
  1. Arthur falls out with the Hayes' Administration 270
  2. John Sherman demands Arthur's removal from Collectorship of the Port of New York 271
  3. Hayes removes Arthur on the ground that he is dishonest, incompetent, and a Machine Politician 273
  4. Sherman arraigns Arthur for "unlawful practices" and "gross abuses of administration" 273
CIVIL SERVICE REFORM 278
  1. Hayes' famous Civil Service Order No. 1 280

Civil Service Reform: PAGE.

2. How John Sherman Manipulated Officeholders in the South............... 282
3. Gorham Squeezes $106,000 out of Poor Department Clerks..............284, 285
4. Returning Board Thieves and their Friends Rewarded with Money and Offices to Keep them from Squealing..............................286, 291
5. Republican Civil Service Reform a Sham, and what it Cost the People....292–3
The Great Fraud of 1876.. 294
1. A Midnight Conspiracy Formed.......... 294
2. How the Votes of Florida, Louisiana and South Carolina were Stolen for Hayes..296–326

Treasury Book-keeping:

How Balances were forced by Interlineations, Erasures and Mutilations of the Treasury Books.. 327
War Claims—Democrats Opposed to Paying them........... 333
The XIIIth, XIVth and XVth Amendments................................ 342
(Held by Gen. Hancock and the Democratic Party to be Inviolable, pp. 3–4.)
The Democrats and the Soldiers...................................... 344
Republican Insult to the Mexican Veterans............................ 362
The "Rebel Brigadier"—Fit for the highest honors as a Republican, but dangerous as a Democrat.. 365
The Negro Exodus... 371
How the Poor Freedmen were Swindled................................ 377

Twelve Years of Fraud, Peculation and Plundering:

The Emma Mine Swindle... 398
The Whisky Ring.. 400
The Belknap Impeachment... 405
The Venezuela Scandal... 410
The San Domingo Job... 415
History of a Carpet-Bag Government 421
Plundering the South... 439
Frauds in the Post-Office Department 442
Petit Larceny in the Post-Office Department......................... 458
Government Printing Frauds.. 459
Frauds in the Construction of Public Buildings....................... 465
Frauds of the Pension Office 467
Frauds in the Department of Justice.................................. 476
Favoritism in the Enforcement of Judgments........................... 479
Expenses of United States Courts..................................... 480
Sherman's Pet Bank... 481
Schurz and the Indian Bureau 484
Another Ex-Cabinet Officer Brought to Grief 487

Presidential Luxuries:

How the People are Taxed to Pay for Dogs, Horses, Carriages, Croquet Sets, China Dinner Service, etc., for the White House........................ 492
The Executive Mansion.. 499
Expenses of the White House.. 500
The Botanical Garden—the Official Bouquet Shop........................ 501
Expenditures for the District of Columbia............................. 503

Appropriations and Expenditures:

Democratic Economy and Republican Extravagance.......................... 506
Territory Acquired under Democratic Rule................................ 526
Squandering the Public Domain... 528
Loaning the Public Credit to Corporations............................... 530
Some of General Hancock's Orders.. 531
Civilized Bulldozing.. 545
Republican Discrimination against Foreign-born Citizens 551
Tables of Votes for President and Congressmen, showing Average Vote for Each Congressional District 557
Forty-second and Forty-third Congresses compared with Forty-fourth and Forty-fifth Congresses...510, 511
History of Appropriation Bills, Forty-fourth and Forty-fifth Congresses, showing Economies Inaugurated by the Democratic House.......... 510
Table of Appropriations from 1868 to 1881, inclusive...................... 519
Appropriations for Army, Navy, and Pensions, March, 1871, to 1880, inclusive.. 520
Expenditures—Seventy-two years Cost Less than Ten Years Republican Extravagance.. . 506
Seven Years of Democratic Frugality compared with Seven Years of Republican Profligacy..509–10
Expenditures growing greater as we recede from the War Period....... 510
$100,000,000 Saved by the Democratic House.............................. 511
Table of Civil List and Net Ordinary Expenditures by Administrations.. 520
Detailed Statement of Expenditures, by Years, from March, 1789, to June 30, 1879... 521

INDEX.

PAGE.

ACCEPTANCE:
- Gen. Hancock's Letter of 4
- Hon. Wm. H. English's Letter of 6

AMENDMENTS:
- Thirteenth, Fourteenth and Fifteenth, to the Constitution 342
- Held by Gen. Hancock, English and the Democratic party to be Inviolable 3–4

APPROPRIATIONS AND EXPENDITURES:
- Democratic Economy and Republican Extravagance Contrasted 506–18
- Extravagance of Forty-second and Forty-third Congresses, compared with Economy of Forty-fourth and Forty-fifth 511
- History of Appropriation Bills Forty-fourth and Forty-fifth Congresses, showing Economy Inaugurated by Democratic House 511
- Saving of $146,000,000 under the Profligate Estimates of the Republicans Attempted 512
- Seventy-two Years from the Beginning of the Government to 1861 Cost less than ten Years of Republican Extravagance since 1867, the Era of Extravagance Inaugurated by the Republicans 506–7
- Seven Years of Democratic Economy, Contrasted with Seven Years of Republican Profligacy, $1.94 per capita under Pierce and Buchanan, and 3.45 per capita under Grant 509–510
- Expenses of the House Folding Room decreased by the Democrats 514
- Table of Civil List—Net Ordinary Expenditures 520
- Statement of Expenditures of the United States from 4th of March 1789 to June 30, 1880, inclusive, by Years 521
- Struggle with Republican Senate in favor of Economy 512
- $91,000,000 finally saved to the Tax-payers by the persistent efforts of a Democratic House 512
- Tables of Appropriations from 1868 to 1881 inclusive 519
- Appropriations for Army, Navy and Pensions from March, 1871 to 1880 inclusive 520

APPROPRIATIONS GROW GREATER AS WE RECEDE FROM THE WAR PERIOD 510

ARMY RECORD:
- Of General W. S. Hancock .... 9 to 16
- Of General James A. Garfield 53

ARTHUR, CHESTER A., RECORD OF:
- Appointed Collector of the Port of New York 269
- The Jay Commission—Receipts and Expenditures in New York Custom-house 270
- Hayes suspends Arthur because he is a *Machine Politician*, and Incompetent and Dishonest 270
- Sherman arraigns him for "Gross Abuses of Administration," and "Unlawful Practices" 271
- Arthurs' Favoritism—Genteel Smuggling—Deadheads and Bribe-Takers retained by him—Increased Cost of Collecting Revenue 271
- Arthurs' Compensation, $155,860.36—Sherman says no Reform possible under Arthur 272
- The New York Custom-house a Political Machine—Other Charges by Sherman. 273–4
- Fraudulent Claims Allowed—Arthur neglects his Duties 276–7
- Arthur as a Civil Service Reformer 279–280

ASSESSMENTS, POLITICAL:
- One per cent. levied on Salaries of Government Employees in 1870, one per cent. in 1878, and two per cent. in 1880 278–284
- How Gorham squeezed $106,000 out of Poor Department Clerks 284–5

BABCOCK, O. E.:
- General Hancock's Motion in Case of 26
- Babcock's Connection with the District Ring 92
- His Lightning Calculations 113–114
- Babcock and the Whiskey Ring—The "Sylph" Telegrams 402–403

PAGE.

BABCOCK, O. E.:
  Indicted at St. Louis—Grant Shields him from Punishment ... 403–404
  Master of Horse to Grant—Certifies Accounts for Boarding the Official Dog and for Repairing the Official Carriage, etc ... 493
BACK PAY STEAL AND SALARY GRAB:
  How it got into an Appropriation Bill ... 131
  By Duplicity and Double Dealing Garfield forces its Passage ... 132
  He Votes for the Bill and Pockets the Plunder ... 136–7–8
BATTLES. (*See Life General Hancock.*)
BELKNAP IMPEACHMENT, THE:
  The Case against Belknap—The Arrangement between Evans and Marsh ... 405–6
  Marsh's Letter to Belknap—Belknap and Marsh charge Evans $12,000 a year for the Post-tradership ... 406
  United States Soldiers Robbed for Post-Traders' Benefit ... 407
  The Payments Marsh made to Belknap ... 408
  Argument of Hon. Jeremiah S. Black in the Belknap Case ... 408–9
BLACK FRIDAY SCANDAL:
  How General Garfield sought to Suppress the Truth—Grant's first Meeting with Fisk and Gould ... 151
  Gould and Grant's Brother-in-law select an Assistant Treasurer ... 152
  Grant Hides himself ... 153
  The Conspirators Jubilant—$25,000 to Mrs. Grant ... 154
  Garfield tries to make $250 out of $25,000 ... 155
  Grant Frightened by Fisk ... 155
  That Awful Day ... 157
BOTANICAL GARDEN, THE:
  Mr. Garfield Increases the Appropriations for Bouquets and Floral Gifts ... 501
  Expenditures for Botanical Garden for Twenty Years ... 502
BULLDOZING ("CIVILIZED"):
  In Massachusetts and Rhode Island ... 545
  Operatives Intimidated—Compelled to vote the Republican Ticket or be discharged ... 546
  Ballots taken away from Voters and others forced upon them ... 547
  The Aid of the Church invoked by the Republican State Committee of Massachusetts ... 548
  Circular sent to Operatives in Westerly by their Employers—Company Agents in charge of Polling Places, and the Company's Timekeeper checking off Voters ... 549
BURLINGAME TREATY—ITS EFFECT ... — 259
CARPET-BAG GOVERNMENT, HISTORY OF A:
  How South Carolina was Robbed—Investigation by a Committee of the Legislature ... 421
  How John J. Patterson was made Senator—His Subsequent History as told by himself—Patterson's Racy Letters to his Friend Worthington ... 422–7
  "Don Cameron's Order Means Biz." ... 426
  A Model Carpet-Bag Legisislature, and How it Reveled in Luxuries at the People's Expense—A Wonderful Bar-Room—Diamonds, Dresses, Furniture and Supplies Bought by the State ... 427
  Bustles, Chignons and Palpitators Purchased ... 429
  How the Bills were Paid ... 429
  Imaginary Expenses ... 430
  Legislative Expenses $1,500,000 Per Annum under Republicans—$84,000 Per Annum under Democrats ... 431–2
  The Printing Swindle ... 431–2
  The Greenville and Columbia Railroad Swindle—Wholesale Bribery ... 432–3
  The Impeachment Swindle ... 433
  The Blue Ridge Railroad Scrip Frauds ... 434
  The Thieves' Agreement—The Ku-Klux Rewards—The Phosphate Steal ... 435
  Armed Force and Constabulary ... 436
  Petty Pilfering—Hardy Solomon's Claim ... 437
  How the Plunderers were Finally Deposed ... 438
CARRIAGES, OFFICIAL:
  For Department of Justice—Recommended by Garfield ... 144
  Coupé and Rockaway for the White-House ... 495
  The Official Carriage for the Pension Office ...
  The Official Carriage of the Post-Office Department ...
CASSANAVE, G.:
  One of the Louisiana Returning Board—He Threatens Hayes and Sherman, who Pay him $1,750 to Keep Quiet ... 290
CHARITABLE ASSOCIATIONS:
  Garfield Opposes Aid to them ... 265

PAGE.
CHINESE IMMIGRATION—GARFIELD OPPOSED TO ITS RESTRICTION:
  Garfield's Letter of Acceptance.... 258
  Burlingame Treaty—its Effect—Wren's Bill to Restrict—Willis' Report.... 259
  Garfield Opposes it—Vetoed by Hayes—The Message—Garfield Votes to Sustain the Veto.... 260
  Morton Favors Chinese Suffrage....261–2
CINCINNATI GAZETTE:
  What it said about Credit Mobilier in 1873.... 56
CINCINNATI PLATFORM (*see title Platform*).... 3
"CIVILIZED" BULLDOZING
  In Massachusetts and Rhode Island—Meetings of Manufacturers held to Intimidate Voters.... 545
  Operatives Intimidated and Discharged.... 546
  How They Did it in Worcester, Mass....546–7
  Bulldozing in Rhode Island.... 548
  The Circular sent to Operatives—Companies' Agents take Charge of Polling Places.... 549
CIVIL SERVICE REFORM:
  Early Attempts at Reform in the Civil Service—Employees Assessed One Per Cent. by Republican Congressional Committee, 1870—Secretary Cox Declines to Aid, and is Driven Out of Grant's Cabinet—The First Civil Service Reform Committee—Its Work Fails for Lack of Executive Sympathy—How the Civil Service Reform Plank got into the Republican Platform 278
  Machine Politics—Garfield's Letter of Acceptance—Arthur as a Civil Service Reformer.... 279
  Hayes as a Reformer—The Famous Civil Service Order No. 1.... 280
  A Sham as Described by the N. Y. *Times*—Sherman's Officeholders in Mississippi.... 282
  Gorham Squeezes $106,000 out of Government Clerks—Where the Money was Spent.... 284
  Cassanave, of the Returning Board, Threatens, and is paid $1,750 by Hayes and Sherman.... 290
  How the Returning Board Thieves and their Friends have been taken Care of.287–9
  State Senators who Voted for Kellogg Provided with Officers.... 293
  The Navy Yards Turned to Political Account.... 171
CIVIL TENURE:
  Garfield favored the Law Preventing Removals by the President, and then Favored its Repeal....266–9
COASTWISE TRADE:
  Garfield against its Development....254–5
COLORED SOLDIERS ROBBED.... 149
COMMERCIAL MARINE:
  Garfield Opposes the Shipbuilding Interests of New England and the Revival of our Commercial Marine....254–5
CONSTITUTION:
  Thirteenth, Fourteenth and Fifteenth Amendments to.... 342
CONTRIBUTIONS, POLITICAL.... 278
  Two per cent. Levied on Salaries of Government Employees....284–5
CREDIT MOBILIER:
  Garfield's Defense in 1880.... 55
  His First Newspaper Statement, 1872.... 55
  What the Cincinnati *Gazette* said, 1873—What the New York *Tribune* said, 1873—Garfield's Sworn Statement—Oakes Ames wants to Shield Garfield.... 56
  But Swears Garfield Got the Stock.... 57
  Alley Corroborates Ames—The Talk in the Senate, 1867—The Truth Comes out by Degrees.... 58
  That $329 Garfield Got—Not a Loan.... 59
  Ames' Memorandum Book and Check.... 60
  Garfield's Tell-tale Figures—Ames Keeps them.... 62
  History of Credit Mobilier and the Union Pacific Railroad.... 63
  Garfield's Vote for the Corporation—What the Bill Did—Washburne Tells the Truth about it at the Time.... 64
  Garfield Votes for the Swindle.... 65
  Over a Million Dollars the First Haul—The Legislation of 1867.... 66
  The Poland Report on the Oakes Ames Contract.... 67
  Oakes Ames' Letters—"We Want More Friends in Congress"....68–9
  The Fraud Exposed in 1868....69–71
  Profits of the Credit Mobilier.... 74
  Further Legislation Asked, and Garfield Votes for it.... 76
  The Scheme Exposed in the Senate....76–8
  What the Facts Prove Against Garfield....78–9
  What the Republican Newspapers said in 1873.... 79

PAGE.

CUSTOM-HOUSE, PORT OF NEW YORK (*see Arthur, C.A.*):

DE GOLYER BRIBE AND DISTRICT RING:

- Garfield Owned by the District Ring ... 80
- His Services Secured for the De Golyer Pavement—Parsons' Celebrated Letter Announcing His Capture ... 80
- History of the District Ring ... 81
- The Market Swindle Reported on an Appropriation Bill ... 82
- Millions Demanded from the United States ... 83–84
- The Pennsylvania Avenue Job—Government Property Given Away ... 86–87
- What Wine and Wassail Accomplished ... 87–88
- The New Government Installed ... 88–89
- The Cookes ... 89–90
- Public Building and other Frauds ... 90–91–92
- Shepherd and Babcock ... 92
- The Judiciary Prostituted ... 94–95
- Large Schemes of Plunder—The Real Estate Pool, Wooden Pavements ... 97–99
- The Ring Speculates on Information ... 99
- Robeson and Landaulet Williams Get their Share ... 101
- A Few Specimen Frauds ... 102
- Letting Contracts and Fixing Prices ... 103
- The Board of Public Works Investigated and Whitewashed ... 103–104
- The Ring Captures Garfield ... 104–105
- Parsons' Testimony about the $5,000 Fee ... 105
- Testimony of McClellan and Cook ... 105–106
- Testimony of Jenkins ... 106
- The Parsons' Letter Sworn to ... 106
- The De Golyer Bribe Investigated in 1877 ... 106
- Testimony of Boss Shepherd ... 106–107
- Nickerson Testifies about the Bribe ... 107
- Garfield's Testimony ... 107–108
- What the Testimony Shows ... 108
- What Garfield was Paid $5,000 for Doing ... 109
- He Attempts to Push an Appropriation Through the House in the Sundry Civil Bill ... 109
- The Senate Adds the Rejected Item ... 110
- Garfield Serves the Ring in the Conference Committee ... 110
- He is Deaf to the Cry of Citizens ... 110
- Tries to Steal $1,241,920.42 for the Ring ... 111
- He Pleads for the Ring and Votes Away $3,500.000.00 ... 112–113
- Garfield Could Not Save the Ring ... 115
- The Safe Burglary Conspiracy ... 116
- The Report of the Investigating Committee ... 117
- The Indebtedness the Ring Created ... 118
- The New York *Independent* Denounces Garfield ... 119
- His Constituents Denounce Him ... 119
- Record of a Suit in the Chicago Circuit Court ... 120–123

DEMOCRATS AND THE SOLDIERS:

- Democratic Efforts for the Soldiers Thwarted by Republicans—What Hon. John A. McMahon of Ohio said ... 344
- Bill for Equalization of Bounties Passed the House, and Garfield Dodged the Vote—The Bill was Killed in the Senate—Time for Filing Bounty Claims Extended—Arrears of Pensions ... 345
- How Garfield and other Republicans Fought it—He Insisted upon a Strict Application of the Rules as Against the Soldiers' Interests—The Democratic House Acts, the Republican Senate Refuses ... 346
- Soldiers Indebted for the Arrears Bill to the Energy of the Democratic House—The Appropriation Under the Bill ... 347
- Republican Outrage on the Soldiers of 1812—Republican Ingratitude to the Widows and Orphans—James A. Garfield among the Republicans who Voted Against Pensioning the Widows and Orphans of the Soldiers of 1812 ... 348
- Grant's Rebuke to the Republicans—Leading Republicans Oppose the Bill—The Bill Passes the House, all the Democrats Voting for it—But Mr. Garfield Dodged ... 349–350
- An Effort to Protect Soldiers from Sharpers—The Bill Passes the House, but is Pigeon-holed in the Senate—Artificial Limbs for Soldiers—A Republican Wrong Righted by a Democratic House ... 350
- Bill to Relieve Totally Disabled Soldiers—The Senate Imposes Conditions ... 351–352
- Relief Bills Passed by the House and Rejected by the Senate ... 352
- Republican and Democratic Laws Contrasted ... 353
- The Three Months Extra Pay to Mexican Soldiers ... 353–4
- Soldiers Protected from Exorbitant Pension Fees ... 354

PAGE.

DEMOCRATS AND THE SOLDIERS:
  The Law for Filing Claims for Lost Horses and Equipments—It Passes the House but Dies in the Senate.......... 355
  The Democratic House Rights the Wrong—the Republican Senate Refuses to Act—The Rhode Island Case, a Specimen Brick.......... 356
  A Memorial from Discharged Soldiers and Sailors of the United States Alleging Violation of sections 1754 and 1755 of the Revised Statutes—Honorably Discharged Soldiers Displaced by Civilians in the Custom-house at Providence—What the Specific Allegations were—The Law Violated in Letter and Spirit.......... 357
  Soldiers Kicked out of Office by Republicans to make Room for Civilians....358–9
  Another Democratic Effort to secure Civil Employment for Soldiers—Senator Ingalls' Tribute to the Democratic House.......... 360
  Good Intentions of Democrats Defeated by Republican Senate.......... 361
DEMOCRATIC ECONOMY AND REPUBLICAN EXTRAVAGANCE CONTRASTED..........506–18
DEPARTMENT OF JUSTICE:
  Frauds in.......... 476
DISTILLERS:
  Interests of Tax-paying Distillers opposed by Garfield—He Opposes Reduction of Taxes..........256–7
DISTRICT OF COLUMBIA:
  Comparative Expenditures in, under Democratic and Republican Rule.......... 503
  Mr. Garfield Responsible for Increased Expenditures..........504–5
DISTRICT RING (*see De Golyer Bribe*).......... 80
DOG:
  The Official Dog of the White House Placed on the Pay-roll as Watchman—Fed at the Public Expense—Vouchers Certified by Babcock and Paid by the Government at the Rate of $10 per Month.......... 493
ELECTORAL COMMISSION, THE:
  Garfield's Double Course; Was one of the Visiting Statesmen to Louisiana; Garfield Opposed the Electoral Bill; Declared it would Require the Commission to go behind the Returns.......... 186
  As a Member of the Commission he voted AGAINST going behind the Returns; then goes back on himself.......... 187
  Mr. Hewitt on the Electoral Commission, and Garfield's Inconsistency...... 187–8
  Garfield as Chief of the Conspirators—Was Counsel, Congressman and Judge. 188
ELECTORAL FRAUDS OF 1876–7:
  Report of the Potter Committee.......... 296–323
  Unprecedented Frauds in Florida and Louisiana—Federal Troops as well as Visiting Statesmen Support the Returning Board in Louisiana.......... 296
  Federal Patronage used to Conceal the Frauds.......... 297
  Testimony as to the Frauds Uncontradicted.......... 298
  The Investigation in Florida.......... 298–305
  Electors; How Appointed; Power of State Canvassers.......... 298
  Unlawful Action of State Canvassers—The Entire Return from Manitee County and Parts of Returns from Hamilton, Monroe and Jackson Counties excluded from the Count—Tilden Electors Meet and Cast their Votes.......... 299
  Action to try the Title of the Hayes Electors—Action to try the Title of Governor—A Re-Canvass ordered by the Supreme Court—Drew declared Elected Governor.......... 299
  Animus of Florida State Canvassers in Rejecting Votes and in Receiving Votes. 300
  The Face of the Returns gives Tilden Electors a Majority—How it was Overturned—The False Return of Baker County.......... 301
  Bad faith of the State Canvassers—Howell made Collector of Port of Fernandina for his Share in the Fraud.......... 302
  Accuracy of the Precinct Returns—The Decision of the Electoral Commission 302–3
  Ex-Gov. Noyes' Part in the Fraud—Dennis' Visit to him, and the Result..... 303–4
  Gen. Barlow Repudiates the Fraud.......... 304
  List of United States Office-holders in Florida looking after the Returning Board Canvass.......... 305
  The Investigation in Louisiana.......... 305–18
  Supervisors of Registration—The Power of the Returning Board—The Color Line Pretense—Why the Colored People Voted for Democrats.......... 305–6
  A False Census and Fraudulent Registration.......... 306–7
  Kellogg Appoints the Supervisors of Registration and other Election Officers—The Result of the Election an Overwhelming Majority for the Tilden Electors.......... 307
  Usurpation by the Returning Board; Its Partisan Composition.......... 307–8
  Pretexts for Returning Board Usurpation.......... 309
  Protests Secured against various Parishes.......... 310

PAGE.

- ELECTORAL FRAUDS OF 1876-7:
  - The Feliciana Conspiracy—Alleged Intimidation impossible ... 310–11
  - Returning Board Affidavits—Thirteen of the Witnesses called by Sherman Retract their Testimony ... 312
  - Outrageous Injustice of the Returning Board—Entire Votes of Precincts thrown out ... 313
  - Gen. Garfield Cooks up the Returns for West Feliciana—Necessity of Administration Support ... 314
  - The Sherman Letter to Weber ... 315–16
  - List of Persons connected with the Canvass or Election or Negotiations in Louisiana in 1876, subsequently Appointed to or Retained in Office ... 317–18
  - The Forged Electoral Certificates—Meeting of the Electors in Louisiana—The first set of Certificates Rejected—New Certificates Forged ... 318
  - Electors' List of Dec. 6 and New List of Dec. 28 ... 319
  - The New Lists Printed so as to Mislead—The Certificates secretly signed—Forgery of Joffrion's and Levisee's Signature to the new List ... 321
  - Attempt to suppress genuine Certificates—The Fraud on the Electoral Commission ... 322
  - Hayes's Title based on Forged Certificates ... 322
  - The Falsification of the Record ... 323
  - Tilden and Hendricks Elected—A Midnight Conspiracy Formed—The Conspirators communicate with Grant ... 294
  - Grant informed of the Situation—Zach Chandler's Telegram, "Hayes has received 185 Votes and is Elected"—The Visiting Statesmen—Garfield goes to New Orleans and becomes Chief among the Conspirators ... 295
- ELECTION LAWS:
  - Davenport's Pecuniary Interest, and his Bill ... 195–6
  - History of Partisan Election Laws; they originate in the Union League Club of New York ... 190–4
  - The Marshal's Bill paid by the Order of Grant ... 196–8
  - No Necessity for Federal Election Laws ... 198
  - Senator Thurman's Unanswerable Argument ... 214
  - What the Democrats Proposed to do ... 216
  - The Scum of New York and Philadelphia as Deputy Marshals ... 218–20
  - What the Federal Election Laws have cost the People ... 221
  - Garfield's Inconsistent Record—His Extraordinary Views ... 222–3
  - The Election Laws at Second Session, Forty-sixth Congress ... 225
  - Gen. Garfield suggests an Amendment ... 226
  - His Amendment Accepted by the Democrats ... 228
  - Speaker Randall Welcomes Garfield's Proposition ... 229
  - Garfield Goes Back on himself Squarely and Votes No ... 229–30
  - He Changes Front again but his Amendment is Passed ... 231–2
- EMMA MINE (THE) SWINDLE: ... 398
- ENGLISH, HON. W. H.:
  - LETTER OF ACCEPTANCE.
    - Indorses Platform—A Change necessary ... 6
    - Corruption of Electors—Centralization—Union under the Constitution ... 7
    - Results of the War Accepted—Every citizen must be Protected—Restriction of Chinese Immigration—The Public Credit to be Maintained and Labor Elevated ... 8
  - LIFE OF:
    - Parentage and Early Life—Admission to the Bar—Entrance into politics. 33–4
    - Early Appointments to Office—Is made Secretary of the Constitutional Convention of Indiana and Speaker of the House of Representatives. 35–7
    - His Services in Congress ... 37–43
    - His Course on the Kansas-Nebraska Bill ... 38–41
    - Popular Sovereignty ... 38
    - Against Secession—Speaks for the Union ... 45
    - His Career as a Banker ... 46–7
    - Family Life ... 49
    - Business Character ... 50
- EXECUTIVE MANSION:
  - Total Expenditures for from 1779 to 1876 ... 499
  - Official Snobbery and Extravagance at the White House under Grant and Hayes—Specimen Vouchers ... 493–498
- EXPENSES OF THE WHITE HOUSE:
  - Under Democratic and Republican Rule ... 500
- EXPENSES OF THE HOUSE FOLDING ROOM DECREASED BY THE DEMOCRATS ... 514
- EXPENSES OF UNITED STATES COURTS:
  - Alarming Increase in the Past Twenty-five Years ... 480

PAGE.
FRAUDS IN THE DEPARTMENT OF JUSTICE:
Free Rides, Free Tickets, Free Literature, &c. 476
Table of Expenditures for 1875-6-7-8-9 476-8
Landaulet Williams Outdone 479
Favoritism in the Enforcement of Judgments ....
FREEDMEN—HOW THEY WERE SWINDLED:
The Basest of all the Frauds 377
Origin of the Freedmen's Bank 377-8
Confined to District of Columbia Bill—Passes the Senate—Is not Engrossed as it Passed the Senate 378
It Passes the House—Hon. Wm. S. Stenger on the Fraud 379
Garfield's Friends on the Finance Committee 380
The *Lie* Printed on the Pass Books—Gen. O. O. Howard's Certificate—The Deposits the Bank Received 381
The First National Bank of Washington acts as Agent for the Freedmen's Bank 382
The Charter Violated—The Bank invest in Union and Central Pacific Bonds 383
A Note and Voucher—Shaving Business 384
Why the "Boys" of the District of Columbia Like Garfield—Mr. Cook introduces a Bill which Passes Enlarging the Privileges of the Bank 386
The Seneca Sand Stone Company—List of Stockholders 386-7
How the Freedmen's Money was Stolen—Cheating the Bank out of $20,000—The Rogues not Prosecuted 389
Some of the Testimony Taken before the Bruce Committee 390
The Rotten Securities the Funds of the Bank were Loaned on 391
Some Specimen Loans on Real Estate 393
The Routine Business of the Bank 395
Cost of Winding Up the Business—The J. C. Kennedy and Other Loans 396
The Result of the Bruce Investigation 397
FREEDMEN'S BUREAU 377
FOREIGN BORN CITIZENS:
Republican Discrimination against them 551
Extracts from Report of Senate Committee—Constitution of Rhode Island—Article 11 551
The Number of Disfranchised Foreign-born Citizens 552
The Hardship of the Real Estate Qualification in Rhode Island 553
Union Soldiers Deprived of the Right to Vote 555
The Average Vote in each Congressional District 555
GARFIELD, JAMES A., RECORD OF:
Army Record 53
Garfield as a Civil Service Reformer, 1877 54
A Machine Politician, 1880 54
HIS RECORD AT LARGE.
1st. Credit Mobilier; see Index under that head 55
2d. De Golyer Bribe and District Ring; see Index under that head 80
(*a.*) Decision of Chicago Circuit Court on De Goyler Bribe 120
3d. Sanborn Frauds; see Index under that head 124
4th. Back Pay Grab and Salary Steal; see Index under that head 131
5th. Indian Ring; Garfield's Services to; see Index under that head 139
6th. Encouraging and Defending Petit Larceny; see Index under Petit Larceny 143
7th. Garfield the Champion of O. O. Howard; see Index under Howard, O. O. 147
8th. Black Friday Scandal; see Index under that head 151
9th. Garfield the Friend of Robeson; see Index under Robeson 158
10th. Garfield Champions George F. Seward; see Index under Seward, George F. 180
11th. The Electoral Commission; see Index, Electoral Commission 186
12th. Three Monstrous Grievances 189
1st. Troops at the Polls; see Index under that head—2d. Partisan Jury Laws; see Index, Jury Laws—3d. Partisan Election Laws—see Index, Election Laws.
13th. The Pacific Mail Steal; see Index, Pacific Mail Steal 233
14th. The Moth Swindle; see Index, Moth Swindle 240
15th. General Garfield and the Laboring Men; see Index, Laboring Men 244
16th. Some of General Garfield's Votes 245
17th. Garfield and General Shields; see Index, Shields, General 250
18th. Garfield against Free Salt 250
19th. Judgment of his Republican Constituents 251
20th. Garfield against the Shipbuilders of New England; see Index, Shipbuilders 254

PAGE.

- GARFIELD, JAMES A., RECORD OF:
    - 21st. Garfield against the Taxpaying Distillers of his Own State.......... 256
    - 22d. General Garfield and Chinese Immigration; see Indx, Chinese Immigration.................................... 258
    - 23d. Duty on Printing Paper.................................... 264
    - 24th. Garfield's Opposition to Foreigners.................................... 264
    - 25th. Religious Intolerance.................................... 266
    - 26th. Civil Tenure.................................... 269
  - Garfield in Favor of Troops at the Polls.................................... 211
  - Garfield Defends Geo. F. Seward....................................182–5
  - Garfield Dodged Vote on Equalization Bounty Bill.................................... 345
  - Works against the Arrears of Pension Bill.................................... 346
  - Against Pensioning the Mexican Veterans....................................362–3–4
  - Dodged Vote on Pensioning Widows and Orphans of Soldiers of War of 1812.. 350
  - Garfield Responsible for the System of Moieties and Spies....................................126–8
  - Garfield Believes in an Official Aristocracy.................................... 145
- GENERAL ORDER No. 40.................................... 17
- GETTYSBURG, BATTLE OF....................................12–15
- GOVERNMENT PRINTING FRAUDS:
  - Government Printing Office Established.................................... 459
  - Investigated by the Democratic House—Over One Hundred per cent. Profit..49–60
  - What Republican Witnesses Testified to.................................... 461
  - Frauds in Purchasing Material—A. M. Clapp's Violation of Criminal Law—Proven Guilty by his own Employees.................................... 463
  - Clapp is Rewarded by an Appointment as Public Printer.................................... 464
- GRANT, GENERAL U. S.:
  - His Dog Kennel and other Luxuries at the White House....................................493–4
- HANCOCK, GENERAL W. S.:
  - LETTER OF ACCEPTANCE.
    - Indorses Platform—The Thirteenth, Fourteenth and Fifteenth Amendments Inviolable—No Centralization.................................... 4
    - Necessity for Economy and Reform in Administration—No Bayonets at the Polls—Public Office a Trust—Civil Service Reform—Public Credit—No Sectionalism—Revival of Commerce—Will Defend the Union and Execute the Laws Impartially.................................... 5
  - LIFE OF.
    - Ancestry and Early Life.................................... 9
    - Services in Mexico and in Florida War.................................... 9
    - His Patriotic Course in California in 1861.................................... 10
    - His Services in War of the Rebellion....................................10–11
    - His Great Courage and Superior Generalship at Spottsylvania............ 11
      - Williamsburg...........11–12
      - Gettysburg..............12–15
      - Wilderness.............. 15
    - His Record as Military Governor of Louisiana and Texas................16–25
    - His Celebrated General Order, No. 40.................................... 17
    - Message of President Johnson in Relation to General Order, No. 40....... 18
    - Letter to Governor Pease of Texas.................................... 19
    - Address and Motion in Babcock Case.................................... 26
    - Speech at Ovation Tendered him by the Citizens of Washington......... 27
    - Letter to General Sherman.................................... 29
  - GENERAL HANCOCK'S ORDERS.
    - Order Revoking a Summary Removal from Office.................................... 531
    - Order Revoking the Order Interfering with the Selection of Jurors........ 532
    - Order Sustaining Jurisdiction of the Civil Courts.................................... 533
    - Order to Secure the Purity of Elections and to Prevent Military Interference at the Polls.................................... 533
    - On the Stay of Civil Process.................................... 534
    - On the Trial of Offenders Against the Laws of the State.................................... 534
    - On Elections by the People.................................... 537
    - On Removal from Office without Judicial Investigation and Determination 537
    - Order Disclaiming Judicial Functions in Civil Cases.................................... 538
    - Concerning an Application by a Railroad Company.................................... 538
    - Order Revoking Certain Instructions to the Boards of Registration in Louisiana and Texas.................................... 539
    - Order for Convening a Special Civil Court for Trial of Criminal Cases.... 540
    - Concerning the Levy of a Special Tax.................................... 541
    - Relating to the Collection of Taxes................ 541–2
    - Letter to General Howard on the Usurpation of the Freedmen's Bureau.. 542
- HAYES, RUTHERFORD B.:
  - His Title to the Presidency based on Forged Certificates.................................... 322
  - He Removes Chester A. Arthur for Dishonesty and Incompetency............ 273

PAGE.

- HAYES, RUTHERFORD B.:
  - His famous Civil Service Order, No. 1 280
  - Officially approves Gorham's Circular on Assessment of Office-holders 284
  - He Gratifies his Taste for Croquet, Crockery, Pic-Nic Carriages, etc., at the Public Expense 492–8
  - He Rewards Returning Board Thieves and other Conspirators for giving him Mr. Tilden's Seat 287–9
  - Pays Cassanave $1,750 to keep him from Squealing 290
  - He Vetoes the Appropriations for Marshals 210
  - He Vetoes the Little Deficiency Bill 210
  - He Vetoes the Act to Prevent Military Interference at the Polls 224
  - He Vetoes the Marshals' Bill 232
  - He Vetoes Bill Restricting Chinese Immigration 260
- HOWARD, O. O.
  - Garfield the Champion of 147
  - The Freedmen's Bureau Inaugurated 147
  - Its Increased Power for Evil Advocated by Garfield 148
  - Colored Soldiers Robbed and the Government Swindled 149
  - Howard's Trial—Garfield Advocates Payment of $7,000 to Defend him 150
- IMPEACHMENT:
  - Garfield's Record on 266
  - The Case against Belknap 405–9
- INDIAN RING:
  - Legislation on the Subject—Garfield's Services to the Ring 140–1
  - Beck's Scathing Review 141
  - Garfield Deceives the House 142
- INTEREST ON THE PUBLIC DEBT 525
- IRISH CITIZENS:
  - Resolution of Sympathy with them Opposed by Garfield 264
- JEWELL, MARSHALL:
  - Another Ex-Cabinet Officer brought to Grief—The kind of Man Garfield selected for Chairman of the Republican National Committee 487
  - Opinion of the Supreme Court of the United States in case of *Allore* v. *Jewell* .. 487–91
- JURY LAWS 189
- KELLOGG, W. P.:
  - State Senators who Voted for Kellogg, provided with Offices 293
- LABORING MEN:
  - Garfield Against Them—He Advocates Bill Cutting down their Wages 244
- LAMAR, SENATOR:
  - Speech on the Negro Exodus 372
- LETTERS:
  - General Hancock's Letter of Acceptance 4
  - Honorable W. H. English, Letter of Acceptance 6
  - General Hancock to Governor Pease 19
  - General Hancock to General Sherman 29
- LIFE OF:
  - General W. S. Hancock 9
  - Honorable W. H. English 33
- LOANING THE PUBLIC CREDIT TO CORPORATIONS:
  - Bonds issued to the Pacific Railway Companies—Interest payable by the United States 530
- MEXICAN VETERANS:
  - Republican Insult to the Mexican Veterans 362
  - Resolutions adopted by the Associated Veterans of the Mexican War—They invite the ex-Soldiers to Support Hancock—Garfield always Refused to do Justice to these Brave Men 362
  - Legislation in Forty-fourth Congress—The House passes a Bill granting Pensions to Soldiers and Sailors of the Mexican War—Republican Senate Kills it 363
  - Legislation in the Forty-fifth Congress—Garfield shows his hand 363
  - He is recorded against the Bill on every Vote—Mexican Veterans must prove themselves Paupers before the Republicans will Pension them 363–4
- MEXICO, HANCOCK'S SERVICE IN 9
- MORTON, OLIVER P.:
  - Favors Chinese Suffrage 261
  - His Opinion of Civil Service Reform 279
- MOTH SWINDLE:
  - How Garfield, as Chairman of Appropriations, helped Cowles, Brega & Co. to Swindle the Government 240
  - Denounced as a Job by the Cincinnati *Gazette* 241
  - Garfield's Correspondence with Belknap 242
  - The Profits—Where they Went 243

PAGE.
NEGRO EXODUS, THE:
The Migration begins in 1878—The Cause ... 371
False Promises held out to them ... 371
Republican Leaders seek to turn the Exodus to Partisan Account ... 372
Mr. Windom's Resolution in the Senate ... 372
Senator Voorhees' Speech in the Senate ... 372
The Movement on Indiana—The Exodus a Political Scheme ... 373
A Specimen Agitator for the Exodus ... 373
The Conspiracy to carry Indiana proved ... 374
Prosperous Condition of Negroes in North Carolina ... 375
What Mr. O'Hara, Republican Candidate for Congress, said ... 375
The Sad Stories the emigrating Negroes told ... 375
The Promises made them ... 376
Senator Lamar's Speech on the Exodus ... 376
NEW YORK INDEPENDENT;
Denounces Garfield's De Golyer bribe ... 119
NEW YORK TRIBUNE:
Exposes Garfield's share in the Credit Mobilier Fraud ... 56
And in the Sanborn Frauds ... 130
ORTH, GODLOVE S.:
His Connection with the Venezuela Scandal ... 410
He is Forced to Abandon the Race for Governor of Indiana ... 414
PACIFIC MAIL STEAL:
Garfield's Part as Shown by the Record ... 233
How the Monstrous Steal was Put Through ... 234
General Garfield Advocates Amendment Increasing the Steal to $1,000,000 per annum ... 235
The Committee of Appropriations Denounced by Democrats ... 235–6
Garfield Resorts to a Subterfuge ... 235–6
The House Rejects the Amendment—Garfield Votes for it ... 237
A Half-Million Steal ... 238
What Garfield Didn't and What he Did Do ... 238
The Result—Amount Disbursed ... 239
PATTERSON, JOHN J.:
A Model Carpet-Bag Senator—His History as Told by Himself ... 422
How he Kept Out of the Penitentiary—Racy Correspondence ... 422
Frauds in Railroad Scrip ... 434–5
PATRONAGE OF THE UNITED STATES GOVERNMENT ... 524
PEASE, GOVERNOR, Hancock's Letter to ... 19
PENSION OFFICE FRAUDS:
The Office Turned Into a Political Organization ... 467
An Investigation Demanded by Mr. Harmer, a Republican ... 467–8
Before the Pension Bureau Became a Political Machine ... 468
After It Became a Political Machine ... 469
The *ex parte* Investigation System ... 470
Pensioners Dropped from the Rolls Without Notice ... 471
The Interminable Delays in Settling Claims ... 472
False Rating of Disability ... 472
An Expert's Testimony—A Sample Case of Favoritism ... 473
Chiefs of Divisions Contradict the Commissioner ... 474–5
PETTY LARCENY:
Encouraged and Defended by General Garfield ... 143
Garfield Defends Landaulet Williams ... 143
A Sixteen-Hundred Dollar Carriage—Garfield Believes in Official Aristocracy. 145
A Carriage for the Commissioner of Pensions ... 146
Visiting Cards and Printing the Same, $81.50—Washing Towels for the Attorney-General, $1,035.82 ... 476-7-8
Dogs, Coupés, Rockaways, and Croquet Sets ... 493–5
PLATFORM OF THE DEMOCRACY:
Opposition to Centralization ... 3
Opposition to Sumptuary Laws ... 3
Separation of Church and State ... 3
Common Schools ... 3
Home Rule ... 3
Honest Money ... 3
Public Faith ... 3
Revenue Tariff ... 3
A Free Ballot ... 3
The Hayes Administration represents Conspiracy only ... 3
No Troops at the Polls, nor at the Count ... 3
The present Civil Service a Debauched System ... 3
Civil Service Reform Demanded ... 3

PAGE.

- PLATFORM OF THE DEMOCRACY:
  - The Great Fraud of 1876–7 Denounced 3
  - Patriotic Acquiescence of Democratic Party 3
  - Tilden's Patriotism Eulogized 4
  - Free Ships 4
  - No Discrimination in Favor of Corporations 4
  - Public Money for Public Purposes 4
  - Public Credit for Public Purposes 4
  - Public Lands for Settlers only 4
  - Friend to Labor and the Laborer 4
  - Chinese Emigration to be Restricted 4
  - Democratic Economy 4
  - Thorough Reform Demanded 4
- PLUNDERING THE SOUTH:
  - What Radical Misrule has Cost the People of Eleven States 439-41
  - History of a Carpet-Bag Government 421
- POLAND REPORT 55
- POLITICAL ASSESSMENTS 278
- POSTAL FRAUDS (THE):
  - The Mismanagement, Profligacy and Corruption in the Post-Office Department 442
  - Straw Bids 443
  - The Case of Peterson—His Methods 445
  - Barlow, Sanderson & Co. 446
  - Their Corrupt Use of Money 447
  - Postmaster-General Creswell's Little Game 448
  - Fifty Thousand Dollars Employed to Divert an Investigation 448
  - How *bona fide* Bidders are Disposed of 449
  - The Manner of Advertising Routes 452
  - Another Investigation—Senator Dorsey's rake 453
  - Sample Contracts 454
  - General Brady's Impotent Defense 457
- POST OFFICE DEPARTMENT:
  - Petit Larceny—$20,000 a Year Paid for the Publication of the Post-Office Guide 458
- PRESIDENTIAL LUXURIES:
  - Official Snobbery at the White House 492
  - The Official Dog, the Official Carriage, the Official Croquet Set, Official Crockery etc.—all at the Expense of the Tax-payers 493–498
  - Expenses of White House from 1779 to 1876 499
  - Expenses of White House under Democratic and Republican Rule—a Comparison 500
- PRINTERS, GOVERNMENT:
  - Garfield Advocates Bill to Cut Down their Wages 244
- PRINTING PAPER—DUTY ON:
  - Garfield favored its Increase from Three to Fifteen Per Cent 264
- PRIVATE CLAIMS AGAINST THE GOVERNMENT 338–41
  - Committee on Reform in the Civil Service Report An Act Providing for the Judicial Ascertainment of Claims against the United States 338–9
  - The Bill Passes the House—Killed in the Senate 339–40
  - Claims Allowed as per Secretary of the Treasury's Letter 340
  - Statement of Amount Expended for Claims for Quartermaster and Commissary Supplies 341
- PUBLIC BUILDING FRAUDS:
  - The "Kitchen" Cabinet Discover a Bonanza—Jobbery in the Supervising Architects Office 465
  - The New York Post-Office—The Boston Post-Office 465–466
- PUBLIC CREDIT LOANED TO CORPORATIONS 530
- PUBLIC DEBT—PRINCIPAL AND INTEREST 525
- REBEL BRIGADIER (THE):
  - Good enough if he Votes the Republican Ticket, but very Bad if a Democrat 365–370
  - Wounded Soldiers on the Rolls of a Democratic Senate 365
  - The Men Republican Legislatures sent to the Senate 366
  - Rebel Brigadiers Appointed to Office by Republicans 367–370
- REFORM:
  - Impossible under C. A. Arthur 272
- REFORM IN CIVIL SERVICE:
  - See "Civil Service Reform" 278
  - See "Arthur, Chester A., Civil Record" 269
- RELIGIOUS INTOLERANCE:
  - Garfield opposes Aid to Catholic charities 265
- REVENUE FRAUDS 271

PAGE.

- ROBESON, GEORGE M.:
  - The Secor Claims 158–160
  - How they were Paid in full; and again Paid 159
  - Millions Squandered and no Navy 162
  - Investigated by Democratic House 163
  - How the Cattells Divided with Robeson 164
  - How they Sold Robeson to Contractors 165–167
  - Robeson puts the Navy Fund where it will do the most Good 168–169
  - Jay Cooke & Co. come in for a Slice 170–171
  - Navy Yards turned into Political Machines 171
  - Ships of the United States Broken up and Sold for a Song 173–174
  - Garfield Opposes Investigation—he Filibusters to save Robeson 174–175
  - Investigation subsequently made by Democratic House. What it Revealed 175
  - Millions made by "procurers" 177
  - Report of the Committee 177–178
  - Garfield again Prevents an Investigation 179
- SALARY GRAB AND BACK-PAY STEAL:
  - How it got into an Appropriation Bill 131
  - Garfield Responsible for its Passage—His Trickery and Double-Dealing 132
  - After Feigning Opposition to the Bill, He Votes Squarely for It 136
  - The Amount Stolen 137
  - Garfield Took the "Swag," Kept it Six Weeks, and was Forced by Public Clamor to Cover it into the Treasury 138
  - Congress Forced to Repeal the Law 137
- SALT:
  - Gen. Garfield Opposes the Repeal of Duty on Salt 250
- SANBORN FRAUDS:
  - History of the Sanborn Frauds 124–30
  - Garfield forces the Passage of the Infamous Moiety Contract Law 126–8
  - Investigation by Committee of Ways and Means Discloses the Frauds 128
  - The law Repealed, but Repealing Act Violated by Sherman 129
  - N. Y. Tribune Exposes Garfield's Share in the Sanborn Frauds 130
- SAN DOMINGO JOB (THE):
  - Grant's Interest in it 415
  - Gen. Babcock goes to San Domingo—The Arrest of Davis Hatch 416
  - Raymond H. Perry Interferes and gets into Trouble 417
  - The Attempt to Kidnap Perry—The Annexation Scheme Falls Through 420
- SCHURZ, CARL:
  - His Administration of the Indian Bureau 484
  - Enormous and Wasteful Expenditures 484–6
  - Hayt's Villainy—Cost of Schurz's System of Dealing with the Indians 485
- SEVENTY-TWO YEARS FROM THE BEGINNING OF THE GOVERNMENT TO 1861 COST LESS THAN TEN YEARS OF REPUBLICAN EXTRAVAGANCE SINCE 1867, THE ERA OF EXTRAVAGANCE INAUGURATED BY THE REPUBLICANS 506–7
- SEVEN YEARS OF DEMOCRATIC ECONOMY CONTRASTED WITH SEVEN YEARS OF REPUBLICAN PROFLIGACY, $1.94 PER CAPITA UNDER PIERCE AND BUCHANAN, AND $3.45 PER CAPITA UNDER GRANT 509–510
- SEWARD, GEO. F.:
  - Garfield Filibusters to Prevent His Impeachment 180
  - How Seward Robbed the Government 181
  - Garfield Defends Seward's Roguery, and finally Succeeds in Preventing His Impeachment 182–5
- SHERMAN, GENERAL:
  - Hancock's Letter to 29
- SHERMAN, SECRETARY:
  - His first Report to Congress about Arthur 271
  - He Violates the Law Repealing the Moiety Act 129
- SHERMAN'S PET BANK:
  - He gives the First National Bank of New York a Monopoly of the Four Per Cent. Bonds—A Disgraceful History—How the Government lost $115,000,000 481
  - The Pet Bank helps to elect Foster Governor of Ohio 482
  - The Visiting Statesmen get $5,000 from this Bank 483
- SHIPBUILDERS OF NEW ENGLAND:
  - Garfield Speaks and Votes against the Revival of our Commercial Marine 254
  - The Bill Presented by Mr. Lynch, of Maine 254
  - Mr. Garfield Votes against it 255
- SHIELDS, GENERAL:
  - Garfield's Ingratitude to a Veteran of Three Wars—A Bill introduced to Place Gen. Shields on the Retired List—Garfield Votes against it 250
- SOLDIERS (*see the Democrats and the Soldiers*) 344

PAGE.

- SOUTHERN CLAIMS (*see War Claims*) 333
- SOUTH CAROLINA:
  - How the State was Plundered 421
  - A model Carpet-Bag Legislature 427
  - Wholsale Bribery 433
  - How the Thieves were Driven out 343
- SQUANDERING THE PUBLIC DOMAIN:
  - Land Grants to Corporations and Monopolies by the Republican Party 528
  - Total Valuation $736,895,000 529
- STATEMENT OF EXPENDITURES OF THE UNITED STATES FROM 4TH OF MARCH, 1789, TO JUNE 30, 1880, INCLUSIVE, BY YEARS 521
- SUBSIDIES, LAND GRANTS:
  - Loan of Government Credit 330
- TABLE OF CIVIL LIST, NET ORDINARY EXPENDITURES 520
- TAXATION:
  - Garfield Opposed to a Reduction—He Votes Against Relief to Tax-Paying Distillers 256–7
- TERRITORY OF THE UNITED STATES:
  - How, When and Under what Administrations it has been Increased 526
  - The Area Acquired by Democrats 527
- TREASURY BOOK-KEEPING:
  - How Balances are Forced 327
  - The Revenue Diminishes—Millions of Dollars Difference between the Secretary, Treasurer and Register as to Cash in the Treasury—The Public Debt Statements 328
  - How it is Manipulated about Election Time 329
  - Erasures and Mutilations—Leaves Cut Out 329–30
  - The Secretary Violates the Law 330–1
  - Pacific Railroad Debt—Fictitious Warrants 331–2
- TROOPS AT THE POLLS:
  - History of Troops at the Polls 192–4
  - Troops at a New York Election—Belknap's Order 199
  - N. Y. *Tribune's* Account—Governor Hoffman's Eloquent Protest 200
  - Troops in Pennsylvania, and Governor Geary's Protest 201
  - Use of Troops in Virginia Defended by Grant 201
  - Durell's Order, and what the Senate Committee Said of It—What Followed the Infamous Order 202
  - Daniel Webster on the Use of Troops 203
  - Mr. Evart's Eloquent Protest 204
  - Carl Schurz on the Use of Troops 204–5
  - W. H. Seward on the Use of Military at the Polls 205
  - Republican Inconsistency 206
  - Garfield's Devious Course—He Goes Back on Himself 207–8
  - The Revolution Garfield Dreads 209
  - A Rider Garfield Voted For 210
  - Admits he is in Favor of Troops at the Polls 211
- TROOPS AT THE CAPITOL:
  - During Electoral Count—Brought There to Intimidate Congress 29
- TWELVE YEARS OF FRAUD, PECULATION AND PLUNDERING 398
- UNION PACIFIC RAILROAD:
  - History of; see Credit Mobilier 55
  - Land Grant 528
  - Loan of Government Credit to 530
- VENEZUELA SCANDAL:
  - The Commission for Adjudicating Claims against the Republic of Venezuela 410
  - Suspicious Circumstances 411
  - Minister Stillwell's part in the Conspiracy 411
  - Total Amount Stolen 412
  - Godlove S. Orth Takes a Hand 413
  - How Orth Earned his Money 411
  - The Contrast—The Democratic way of Dealing with Fraud 414
- VETO BY HAYES OF BILL RESTRICTING CHINESE IMMIGRATION 260
  - APPROPRIATIONS FOR MARSHALS 210
  - LITTLE DEFICIENCY BILL 210
  - ACT TO PREVENT MILITARY INTERFERENCE AT THE POLLS 224
- VOORHEES, SENATOR D. W.:
  - Speech by, On the Negro Exodus 372
- VOTES, SOME OF GARFIELD'S:
  - Railroad Land Grants 245–6
  - Votes in the Interest of the Whiskey Ring 246
  - Steamship Subsidies 246

PAGE.

VOTES, SOME OF GARFIELD'S:
- Printing Frauds.... 247
- The Choctaw Claim 247
- Votes Against Soldiers Interests.... 247
- Pensions to Soldiers of 1812....247–8
- Pensions to Mexican Soldiers.... 248
- Duty on Printing Paper, Sugar, Coal.... 248
- San Domingo.... 248
- The Chinese Question.... 249
- No Sympathy for Ireland.... 249
- Muzzling the Supreme Court.... 249
- Votes for President and Congress.... 557

WAR CLAIMS:
- The Republican Cry against so-called Rebel Claims.... 333
- Democrats Opposed to Paying Them.... 333
- All of these Claims are Forever Barred by the Constitution of the United States 333
- Claims of "Loyal Citizens" not Barred by the Constitution.... 333
- Amounts Allowed by the Southern Claims Commission.... 334
- Republican Slanders Refuted by Mr. Davis, of North Carolina.... 335–7

WHISKY RING, (THE):
- The Ring Controls the Republican Administration.... 400
- Why Grant was Suspected of Complicity.... 401
- Milwaukee Whisky Ring.... 401
- The White House and the Ring.... 402
- Gen. Babcock's Complicity in the Whisky Frauds.... 403

WHITE HOUSE:
- Expense under Democratic and Republican Rule.... 500
- Snobbery at the White House under Republican Rule.... 492
- How the People are Taxed to Pay for Dogs, Carriages, Croquet Sets, and other Luxuries for the White House.... 493–498
- Total Expenditure for White House from 1779 to 1876.... 499

WILLIS' REPORT ON CHINESE IMMIGRATION.... 259

WREN'S BILL TO RESTRICT CHINESE IMMIGRATION:
- Action of House and Senate thereon—Garfield Opposes it.... 259

THE
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A Democratic Campaign Book.

BY AUTHORITY OF
THE NATIONAL DEMOCRATIC COMMITTEE.

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DEMOCRATIC PLATFORM.

The Democratic party of the Union, through its representatives in National Convention assembled, recognizes that, as the nation grows older, new issues are born of time and progress, and old issues perish. But the fundamental principles of the Democracy, approved by the united voice of the people, remain, and will ever remain, as the best and only security for the continuance of free government. The preservation of personal rights; the equality of all citizens before the law; the reserved rights of the States; and the supremacy of the Federal Government within the limits of the Constitution, will ever form the true basis of our liberties, and can never be surrendered without destroying that balance of rights and powers which enables a continent to be developed in peace, and social order to be maintained by means of local self-government.

But it is indispensable for the practical application and enforcement of these fundamental principles, that the Government should not always be controlled by one political party. Frequent change of administration is as necessary as constant recurrence to the popular will. Otherwise abuses grow, and the Government, instead of being carried on for the general welfare, becomes an instrumentality for imposing heavy burdens on the many who are governed, for the benefit of the few who govern. Public servants thus become arbitrary rulers.

This is now the condition of the country. Hence a change is demanded. The Republican party, so far as principle is concerned, is a reminiscence; in practice, it is an organization for enriching those who control its machinery. The frauds and jobbery which have been brought to light in every department of the Government, are sufficient to have called for reform within the Republican party; yet those in authority, made reckless by the long possession of power, have succumbed to its corrupting influence, and have placed in nomination a ticket against which the independent portion of the party are in open revolt.

Therefore a change is demanded. Such a change was alike necessary in 1876, but the will of the people was then defeated by a fraud which can never be forgotten, nor condoned. Again, in 1880, the change demanded by the people was defeated by the lavish use of money contributed by unscrupulous contractors and shameless jobbers who had bargained for unlawful profits, or for high office.

The Republican party during its legal, its stolen, and its bought tenures of power, has steadily decayed in moral character and political capacity.

Its platform promises are now a list of its past failures.

It demands the restoration of our Navy. It has squandered hundreds of millions to create a navy that does not exist.

It calls upon Congress to remove the burdens under which American shipping has been depressed. It imposed and has continued those burdens.

It professes the policy of reserving the public lands for small holdings by actual settlers. It has given away the people's heritage till now a few railroads, and non-resident aliens, individual and corporate, possess a larger area than that of all our farms between the two seas.

It professes a preference for free institutions. It organized and tried to legalize a control of State elections by Federal troops.

It professes a desire to elevate labor. It has subjected American workingmen to the competition of convict and imported contract labor.

It professes gratitude to all who were disabled, or died in the war, leaving widows and orphans. It left to a Democratic House of Representatives the first effort to equalize both bounties and pensions.

It proffers a pledge to correct the irregularities of our tariff. It created and has continued them. Its own Tariff Commission confessed the need of more than twenty per cent. reduction. Its Congress gave a reduction of less than four per cent.

It professes the protection of American manufactures. It has subjected them to an increasing flood of manufactured goods, and a hopeless competition with manufacturing nations, not one of which taxes raw materials.

It professes to protect all American industries. It has impoverished many to subsidize a few.

It professes the protection of American labor. It has depleted the returns of American agriculture—an industry followed by half our people.

It professes the equality of all men before the law. Attempting to fix the status of colored citizens, the acts of its Congress were overset by the decisions of its Courts.

It "accepts anew the duty of leading in the work of progress and reform." Its caught criminals are permitted to escape through contrived delays or actual connivance in the prosecution. Honeycombed with corruption, outbreaking exposures no longer shock its moral sense. Its honest members, its independent journals, no longer maintain a successful contest for authority in its counsels or a veto upon bad nominations.

That change is necessary is proved by an existing surplus of more than $100,000,000, which has yearly been collected from a suffering people. Unnecessary taxation is unjust taxation. We denounce the Republican party for having failed to relieve the people from crushing war taxes which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

The Democracy pledges itself to purify the administration from corruption, to restore economy, to revive respect for law, and to reduce taxation to the lowest limit consistent with due regard to the preservation of the faith of the Nation to its creditors and pensioners.

Knowing full well, however, that legislation affecting the occupations of the people should be cautious and conservative in method, not in advance of public opinion, but responsive to its demands, the Democratic party is pledged to revise the tariff in a spirit of fairness to all interests.

But in making reduction in taxes, it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government, taxes collected at the Custom House have been the chief source of federal revenue. Such they must continue to be. Moreover, many industries have come to rely on legislation for a successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved. The process of reform must be subject in the execution to this plain dictate of justice.

All taxation shall be limited to the requirements of economical government.

The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Sufficient revenue to pay all the expenses of the Federal Government, economically administered, including pensions, interest, and principal of the public debt, can be got, under our present system of taxation, from custom house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

We therefore denounce the abuses of the existing tariff ; and subject to the preceding limitations, we demand that federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government economically administered.

The system of direct taxation known as the "Internal Revenue," is a war tax, and so long as the law continues, the money derived therefrom should be sacredly devoted to the relief of the people from the remaining burdens of the war, and be made a fund to defray the expense of the care and comfort of worthy soldiers disabled in line of duty in the wars of the Republic, and for the payment of such pensions as Congress may from time to time grant to such soldiers, a like fund for the sailors having been already provided ; and any surplus should be paid into the treasury.

We favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister Republics of North, Central and South America, but entangling alliances with none.

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such money without loss.

Asserting the equality of all men before the law, we hold that it is the duty of the Government, in its dealings with the people, to mete out equal and exact justice to all citizens of whatever nativity, race, color, or persuasion—religious or political.

We believe in a free ballot and a fair count ; and we recall to the memory of the people the noble struggle of the Democrats in the Forty-fifth and Forty-sixth Congresses, by which a reluctant Republican opposition was compelled to assent to legislation making everywhere illegal the presence of troops at the polls, as the conclusive proof that a Democratic administration will preserve liberty with order.

The selection of Federal officers for the Territories should be restricted to citizens previously resident therein.

We oppose sumptuary laws which vex the citizen and interfere with individual liberty ; we favor honest civil service reform ; and the compensation of all United States officers by fixed salaries ; the separation of Church and State ; and the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship.

While we favor all legislation which will tend to the equitable distribution of property, to the prevention of monopoly, and to the strict enforcement of individual rights against corporate abuses, we hold that the welfare of society depends upon a scrupulous regard for the rights of property as defined by law.

We believe that labor is best rewarded where it is freest and most enlightened. It should therefore be fostered and cherished. We favor the repeal of all laws restricting the free action of labor, and the enactment of laws by which labor organizations may be incorporated, and of all such legislation as will tend to enlighten the people as to the true relations of capital and labor.

We believe that the public lands ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain; and that no more grants of land shall be made to corporations, or be allowed to fall into the ownership of alien absentees.

We are opposed to all propositions which upon any pretext would convert the General Government into a machine for collecting taxes to be distributed among the States, or the citizens thereof.

In reaffirming the declaration of the Democratic platform of 1856, that "the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution which make ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith," we nevertheless do not sanction the importation of foreign labor, or the admission of servile races, unfitted by habits, training, religion or kindred for absorption into the great body of our people, or for the citizenship which our laws confer. American civilization demands that against the immigration or importation of Mongolians to these shores, our gates be closed.

The Democratic party insists that it is the duty of this Government to protect, with equal fidelity and vigilance, the rights of its citizens, native and naturalized, at home and abroad, and to the end that this protection may be assured, United States papers of naturalization, issued by courts of competent jurisdiction, must be respected by the Executive and Legislative departments of our own Government, and by all foreign powers.

It is an imperative duty of this Government to efficiently protect all the rights of persons and property of every American citizen in foreign lands, and demand and enforce full reparation for any invasion thereof.

An American citizen is only responsible to his own Government for any act done in his own country, or under her flag, and can only be tried therefor on her own soil and according to her laws; and no power exists in this Government to expatriate an American citizen to be tried in any foreign land for any such act.

This country has never had a well-defined and executed foreign policy save under Democratic administration; that policy has ever been, in regard to foreign nations, so long as they do no act detrimental to the interests of the country or hurtful to our citizens, to let them alone; that as the result of this policy we recall the acquisition of Louisiana, Florida, California, and of the adjacent Mexican territory by purchase alone; and contrast these grand acquisitions of Democratic statesmanship with the purchase of Alaska, the sole fruit of a Republican administration of nearly a quarter of a century.

The Federal Government should care for and improve the Mississippi river and other great waterways of the Republic, so as to secure for the interior States easy and cheap transportation to tidewater.

Under a long period of Democratic rule and policy, our merchant marine was fast overtaking and on the point of outstripping that of Great Britain.

Under twenty years of Republican rule and policy, our commerce has been left to British bottoms, and almost has the American flag been swept from off the high seas.

Instead of the Republican party's British policy, we demand for the people of the United States an American policy.

Under Democratic rule and policy, our merchants and sailors, flying the stars and stripes in every port, successfully searched out a market for the varied products of American industry.

Under a quarter century of Republican rule and policy, despite our manifest advantage over all other nations in high-paid labor, favorable climates and teeming soils ; despite freedom of trade among all these United States ; despite their population by the foremost races of men and an annual immigration of the young, thrifty and adventurous of all nations ; despite our freedom here from the inherited burdens of life and industry in old-world monarchies—their costly war navies, their vast tax-consuming, non-producing standing armies ; despite twenty years of peace—that Republican rule and policy have managed to surrender to Great Britain, along with our commerce, the control of the markets of the world.

Instead of the Republican party's British policy, we demand in behalf of the American Democracy, an American policy.

Instead of the Republican party's discredited scheme and false pretense of friendship for American labor, expressed by imposing taxes, we demand in behalf of the Democracy, freedom for American labor by reducing taxes, to the end that these United States may compete with unhindered powers for the primacy among nations in all the arts of peace and fruits of liberty.

With profound regret we have been apprised by the venerable statesman through whose person was struck that blow at the vital principle of republics (acquiescence in the will of the majority), that he cannot permit us again to place in his hands the leadership of the Democratic hosts, for the reason that the achievement of reform in the administration of the Federal Government is an undertaking now too heavy for his age and failing strength.

Rejoicing that his life has been prolonged until the general judgment of our fellow-countrymen is united in the wish that that wrong were righted in his person, for the Democracy of the United States we offer to him in his withdrawal from public cares not only our respectful sympathy and esteem, but also that best homage of freemen, the pledge of our devotion to the principles and the cause now inseparable in the history of this Republic from the labors and the name of Samuel J. Tilden.

With this statement of the hopes, principles and purposes of the Democratic party, the great issue of Reform and change in Administration is submitted to the people in calm confidence that the popular voice will pronounce in favor of new men, and new and more favorable conditions for the growth of industry, the extension of trade, the employment and due reward of labor and of capital, and the general welfare of the whole country.

Gov. Cleveland Notified.

The Committee on Notification appointed at Chicago, July 11th, to inform Governor Cleveland that he had been nominated for President by the Democratic National Convention, waited on the Governor, at the Executive Mansion of the State of New York, at Albany, N, Y., July 29th, to give to him the formal notification.

The Chairman, Col. William F. Vilas, in so informing, said:

Address of Col. Vilas.

Grover Cleveland, Governor of the State of New York: These gentlemen, my associates here present, whose voice I am honored with authority to utter, are a committee appointed by the National Democratic Convention which recently assembled in Chicago, and charged with the grateful duty of acquainting you, officially and in that solemn and ceremonious manner which the dignity and importance of the communication demand, with the interesting result of its deliberations, already known to you through the ordinary channels of news.

Sir: That august body, convened by direct delegation from the Democratic people of the several States and Territories of the Republic, and deliberating under the witness of the greatest assembly of freemen ever gathered to such a conference, in forethought of the election which the Constitution imposes upon them to make during the current year, have nominated you to the people of these United States to be their President for the next ensuing term of that great office, and with grave consideration of its exalted responsibilities have confidently invoked their suffrages to invest you with its functions. Through this committee the Convention's high requirement is delivered that you accept that candidacy. This choice carries with it profound personal respect and admiration, but it has been in no manner the fruit of these sentiments. The National Democracy seek a President, not in compliment for what the man is or reward for what he has done, but in a just expectation of what he will accomplish as the true servant of a free people fit for their lofty trust.

Always of momentous consequence, they conceive the public exigency to be now of transcendent importance, that a laborious reform in adminstration as well as legislation is imperatively necessary to the prosperity and honor of the republic, and a competent Chief Magistrate must be of unusual temper and power. They have observed with attention your execution of the public trusts you have held, especially of that with which you are now so honorably invested. They place their reliance for the usefulness of the services they expect to exact for the benefit of the nation upon the evidence derived from the services you have performed for the State of New York. They invite the electors to such proofs of character and competence to justify their confidence that in the nation as heretofore in the State the public business will be administered with commensurate intelligence and ability, with single-hearted honesty and fidelity, and with a resolute and daring fearlessness which no faction, no combination, no power of wealth, no mistaken clamor can dismay or qualify.

In the spirit of the wisdom and invoking the benediction of the divine Teacher of men, we challenge from the sovereignty of this nation, his words in commendation and ratification of our choice. "Well done, thou good and faithful servant, thou hast been faithful over a few things, I will make thee ruler over many things." In further fulfilment of our duty the secretary will now present the written communication signed by the committee.

At the close of the speech of Col. Vilas, Mr. Nicholas M. Bell, of Missouri, Secretary of the Committee, read the following formal address prepared by the committee:

Address of the Committee.

New York City, July 28, 1884.

To the Hon. Grover Cleveland, *of New York.*

Sir—In accordance with a custom befitting the nature of the communication, the undersigned, representing the several States and Territories of the Union, were appointed a committee by the National Democratic Convention, which assembled at Chicago on the 8th day of the current month, to perform the pleasing office, which by this means we have the honor to execute, of informing you of your nomination as the candidate of the Democratic party in the ensuing election for the office of President of the United States. A declaration of the principles upon which the Democracy go before the people with a hope of establishing and maintaining them in the Government was made by the Convention, and an engrossed copy thereof is submitted in connection with this communication for your consideration. We trust the approval of your judgment will follow an examination of this expression of opinion and policy, and upon the political controversy now made up we invite your acceptance of the exalted leadership to which you have been chosen.

The election of a President is an event of the utmost importance to the people of America. Prosperity, growth, happiness, peace and liberty even, may depend upon its wise ordering. Your unanimous nomination is proof that the Democracy believe your election will most contribute to secure these great objects. We assure you that in the anxious responsibilities you must assume as a candidate you will have the steadfast cordial support of the friends of the cause you will represent. And in the execution of the duties of the high office which we confidently expect from the wisdom of the nation to be conferred upon you, you may securely rely for approving aid upon the patriotism, honor and intelligence of this free people. We have the honor to be, with great respect,

W. F. VILAS, President.

Nicholas M. Bell, Secretary.

D. P. Bestor, Ala.
Fred W. Fordyce, Ark.
Niles Searles, Cal.
M. M. S. Waller, Col.
T. M. Waller, Conn.
Geo. H. Bates, Del.
Attila Cox, Ky.
James Jeffries, La.
C. H. Osgood, Me.
Geo. Wells, Md.
J. G. Abbott, Mass.
Daniel J. Campau, Mich.
Thos. E. Heenan, Minn.
Chas. E. Hooker, Miss.
David R. Francis, Mo.
Patrick Fahy, Neb.
Wilson G. Lamb, N. C.
Wm. A. Quarles, Tenn.
Geo. L. Spear, Vt.
Frank Hereford, W. Va.
J. T. Hauser, Mon.
M. S. McCormick, Dak.
E. D. Wright, Dist of Col.

D. E. McCarthy, Nev.
J. F. Cloutman, N. H.
John P. Stockton, N. J.
John C. Jacobs, N. Y.
G. H. Oury, Ari.
Ransford Smith, Utah.
John M. Selcott, Idaho.
W. D. Chipley, Fla.
M. P. Reese, Ga.
A. E. Stevenson, Ill.
E. D. Bannister, Ind.
L. G. Kinne, Ia.
C. C. Burnes, Kan.
Theo. E. Haynes, Ohio.
S. L. McArthur, Ore.
James P. Barr, Pa.
David S. Baker, Jr., R. I.
Joseph H. Earl, S. C.
Joseph E. Dwyer, Texas
Robert Beverly, Va.
W. A. Anderson, Wis.
W. B. Childers, N. M
D. B. Dutro, W. T.

Gov. Cleveland's Reply.

Mr. Chairman and Gentlemen of the Committee:

Your formal announcement does not of course convey to me the first information of the result of the Convention lately held by the Democracy of the nation, and yet when, as I listen to your message, I see about me representatives from all parts of the land of the great party which, claiming to be the party of the people, asks them to intrust to it the administration of their government; and when I consider under the influence of the stern reality which the present surroundings create, that I have been chosen to represent the plans, purposes and policy of the Democratic party, I am profoundly impressed by the solemnity of the occasion and by the responsibility of my position. Though I gratefully appreciate it, I do not at this moment congratulate myself upon the distinguished honor which has been conferred upon me, because my mind is full of anxious desire to perform well the part which has been assigned to me.

Nor do I at this moment forget that the rights and interests of more than fifty millions of my fellow-citizens are involved in our efforts to gain Democratic supremacy. This reflection presents to my mind the consideration which, more than all others, gives to the action of my party in convention assembled its most sober and serious aspect. The party and its representatives, which ask to be intrusted at the hands of the people with the keeping of all that concerns their welfare and their safety, should only ask it with the full appreciation of the sacredness of the trust and with a firm resolve to administer it faithfully and well.

I am a Democrat because I believe that this truth lies at the foundation of true Democracy. I have kept the faith because I believe, if rightly and fairly administered and applied, Democratic doctrines and measures will insure the happiness, contentment and prosperity of the people. If, in the contest upon which we now enter, we steadfastly hold to the underlying principles of our party creed, and at all times keep in view the people's good, we shall be strong, because we are true to ourselves, and because the plain and independent voters of the land will seek by their suffrages to compass their release from party tyranny where there should be submission to the popular will, and their protection from party corruption where there should be devotion to the people's interests.

These thoughts lend a consecration to our cause, and we go forth, not merely to gain a partisan advantage, but pledged to give to those who trust us the utmost benefits of a pure and honest administration of national affairs. No higher purpose or motive can stimulate us to supreme effort or urge us to continuous and earnest labor an effective party organization. Let us not fail in this, and we may confidently hope to reap the full reward of patriotic services well performed.

I have thus called to mind some simple truths, and trite though they are, it seems to me we do well to dwell upon them at this time. I shall soon, I hope, signify in the usual formal manner my acceptance of the nomination which has been tendered to me. In the mean time, I gladly greet you all as co-workers in a noble cause.

Gov. Cleveland's Letter of Acceptance.

ALBANY, N. Y., August 18, 1884.

GENTLEMEN.—I have received your communication dated July 28, 1884, informing me of my nomination to the office of President of the United States by the National Democratic Convention lately assembled at Chicago. I accept the nomination with a grateful appreciation of the supreme honor conferred and a solemn sense of the responsibility which, in its acceptance, I assume. I have carefully considered the platform adopted by the Convention and cordially approve the same. So plain a statement of democratic faith and the principles upon which that party appeals to the suffrages of the people needs no supplement or explanation.

Duties of the Executive.

It should be remembered that the office of President is essentially executive in its nature. The laws enacted by the legislative branch of the government the Chief Executive is bound faithfully to enforce. And when the wisdom of the political party which selects one of its members as a nominee for that office has outlined its policy and declared its principles, it seems to me that nothing in the character of the office or the necessities of the case requires more from the candidate accepting such nomination than the suggestion of certain well known truths so absolutely vital to the safety and welfare of the nation that they cannot be too often recalled or too seriously enforced.

Party Corruption.

We proudly call ours a government by the people. It is not such when a class is tolerated which arrogates to itself the management of public affairs, seeking to control the people instead of representing them. Parties are the necessary outgrowth of our institutions; but a government is not by the people when one party fastens its control upon the country and perpetuates its power by cajoling and betraying the people instead of serving them. A government is not by the people when a result which should represent the intelligent will of free and thinking men is or can be determined by the shameless corruption of their suffrages.

No Second Term.

When an election to office shall be the selection by the voters of one of their number to assume for a time a public trust instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end, not one would, in my judgment, be more effective than an amendment to the constitution disqualifying the President from re-election. When we consider the patronage of this great office, the allurements of power, the temptation to retain public place once gained, and more than all, the availability a party finds in an incumbent whom a horde of office-holders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for re-election a most serious danger to that calm, deliberate and intelligent political action which must characterize a government by the people.

Protection for Workingmen.

A true American sentiment recognizes the dignity of labor and the fact that honor lies in honest toil. Contented labor is an element of national prosperity. Ability to work constitutes the capital and the wage of labor the income of a vast number of our population, and this interest should be jealously protected. Our workingmen are not asking unreasonable indulgence, but as intelligent and manly citizens they seek the same consideration which those demand who have other interests at stake. They should receive their full share of the care and attention of those who make and execute the laws, to the end that the wants and needs of the employers and the employed shall alike be subserved and the prosperity of the country, the common heritage of both, be advanced. As related to this subject, while we should not discourage the immigration of those who come to acknowledge allegiance to our government and add to our citizen population, yet as a means of protection to our workingmen a different rule should prevail concerning those who, if they come or are brought to our land, do not intend to become Americans, but will injuriously compete with those justly entitled to our field of labor.

The Rights of Labor.

In a letter accepting the nomination to the office of governor, nearly two years ago, I made the following statement, to which I have steadily adhered :

"The laboring classes constitute the main part of our population. They should be protected in their efforts peaceably to assert their rights when endangered by aggregated capital, and all statutes on this subject should recognize the care of the State for honest toil, and be framed with a view of improving the condition of the workingman."

A proper regard for the welfare of the workingman being inseparably connected with the integrity of our institutions, none of our citizens are more interested than they in guarding against any corrupting influences which seek to pervert the beneficent purposes of our government ; and none should be more watchful of the artful machinations of those who allure them to self-inflicted injury.

No Sumptuary Laws.

In a free country the curtailment of the absolute rights of the individual should only be such as is essential to the peace and good order of the community. The limit between the proper subjects of governmental control and those which can be more fittingly left to the moral sense and self-imposed restraint of the citizen should be carefully kept in view. Thus laws unnecessarily interfering with the habits and customs of any of our people which are not offensive to the moral sentiments of the civilized world, and which are consistent with good citizenship and the public welfare, are unwise and vexatious.

Commerce.

The commerce of a nation, to a great extent, determines its supremacy. Cheap and easy transportation should therefore be liberally fostered. Within the limits of the Constitution the general government should so improve and protect its natural waterways as will enable the producers of the country to reach a profitable market.

The Civil Service.

The people pay the wages of the public employees, and they are entitled to the fair and honest work which the money thus paid should command. It is the duty of those intrusted with the management of their affairs to see that such public service is forthcoming. The selection and retention of subordinates in government employment should depend upon their ascertained fitness and the value of their work, and they should be neither expected nor allowed to do questionable party service. The interests of the people will be better protected; the estimate of public labor and duty will be immensely improved; public employment will be open to all who can demonstrate their fitness to enter it; the unseemly scramble for place under the government, with the consequent importunity which embitters official life, will cease; and the public departments will not be filled with those who conceive it to be their first duty to aid the party to which they owe their places, instead of rendering patient and honest return to the people.

Honesty and Frugality.

I believe that the public temper is such that the voters of the land are prepared to support the party which gives the best promise of administering the government in the honest, simple and plain manner which is consistent with its character and purposes. They have learned that mystery and concealment in the management of their affairs cover tricks and betrayal. The statesmanship they require consists in honesty and frugality, a prompt response to the needs of the people as they arise, and the vigilant protection of all their varied interests. If I should be called to the Chief Magistracy of the nation by the suffrages of my fellow-citizens, I will assume the duties of that high office with a solemn determination to dedicate every effort to the country's good, and with an humble reliance upon the favor and support of the Supreme Being, who, I believe, will always bless honest human endeavor in the conscientious discharge of public duty.

GROVER CLEVELAND.

To Colonel WILLIAM F. VILAS, chairman, and D. P. BESTOR and others, members of the Notification Committee of the Democratic National Convention.

Governor Hendricks Notified.

The Committee appointed by the Democratic National Convention to notify the candidates visited Saratoga July 30th, where Governor Hendricks was spending a brief time, and formally notified him of his nomination.

Col. William F. Vilas, of Wisconsin, said :

Gov. Thomas A. Hendricks, of Indiana : The great national council of constitutional Democracy of the Union, held at Chicago within this month of July, constituted this committee now before you by selection from each of the several States and Territories of our country, and commissioned it as the official voice of the party to declare to you in fitting terms and with appropriate ceremony—not only in testimony of its respect for your abilities and character, but in pledge of its consideration for the interests of the nation—that you have been nominated by that party to the people to be their Vice-President of the United States for the ensuing term of that exalted trust.

That honorable duty we have journeyed hither from every part of this wide land with pride and pleasure in this manner to discharge. The interesting circumstances of that nomination cannot be unknown to you, and could not but be gratifying to the sensibilities of any right-minded man. It was well understood in that convention that such a distinction was even there unsought and undesired by you. Yet, sir, after many others were presented your name was suggested followed by repeated seconding. Every other name was withdrawn, and amid universal acclaim the roll-call responded to your unanimous choice. Then, in exquisite enthusiasm the Convention, with the vast surrounding assemblage, joined with cheer and hymn in a prolonged outbreak of gratified satisfaction. Sir, though Indiana's favored citizens may enjoy with just pride a peculiar honor in the distinguished services you have rendered your party, your State and the nation, and may feel a peculiar attachment for the endearing qualities of your heart and mind, be assured that the Democracy of the nation participates in that sense of honor and affectionate regard in hardly a less degree. They witnessed your long and honorable career, sometimes in the faithful performance of high public trusts, sometimes nobly contending as a soldier in the ranks for the principles of constitutional liberty ; but always with firm devotion and unswerving fidelity to the interests and rights of the people ; and now they confidently expect of your patriotism to yield all professional wishes and undertake the labors of their candidate, as on their part the people can securely repose upon the ripe experience of your years and wisdom to most satisfactorily meet all the responsibilities of the high office to which you will be called. The Convention felt, as the nation will approve, that it was serving the spirit of the Constitution when it designated for a Vice-President a citizen worthy and competent to execute the highest functions of the Chief Magistracy. It is an especial desire of the Democracy, sir, to see you invested with this particular dignity, because they know, as now all the world knows, that once you were rightfully given title to it by the people and wrongfully denied its possession by the success of machinations, of fraud and conspiracy, and the vindication of exact justice will be most complete when you shall be re-elected, now that you may be triumphantly i[illegible]ated to your rightful chair of office. This sentiment has given discretion to [illegible] personal consideration and admiration of the Democracy so abundantly ma[illegible]ed in the recent Convention, and will stir a responsive throb in the hearts of [illegible]d men. In finishing the grateful office which the partial favor of these gen[illegible], my distinguished associates, has assigned me permit us one and all to exp[illegible] highest esteem and regard. In a more enduring execution of its duty the [illegible]tee have prepared and personally signed a written communication which the [illegible]y will now read.

The Address of the Committee.

At this point Mr. Bell, the Secretary, read the following address :

Hon. Thomas A. Hendricks, of Indiana :

Sir : The honor and pleasure of officially notifying you of your nomination as the candidate of the National Democracy in the election about to occur for the office of Vice-President of the United States, whereby the Convention recently held at Chicago conferred upon the undersigned as a committee of that body, designed to represent in our persons the several States and Territories. In grateful performance of the duty, we are entitled to express the admiration of the Convention and of the party for your long and well-known personal qualities and character and for your distinguished public service and maintenance of the principles and objects which are believed best calculated to promote the security, happiness and welfare of the people, and especial satisfaction in the minds of all good men must follow your election from the reflection that in your person the testimony will be peculiarly given that the American people are never conscious or willing instruments of that great public crime by which, thorough fraudulent returns and a flagrant disregard of truth and justice, others were seated in those high offices to which Samuel J. Tilden and yourself were rightfully chosen in 1876, as well as of the patriotism of your great submission, in confident reliance upon the justice of the people for vindication. An engrossed copy of the declaration of principles and policy made by the Convention is submitted with this communication for your examination, and we may surely expect your loyal devotion in the cause of our party to accept the candidacy imposed by your nomination.

W. F. VILAS, President.

NICHOLAS M. BELL, Secretary.

D. B. Bestor, Ala.
Fred. W. Fordyce, Ark.
Niles Searles, Cal.
M. M. S. Waller, Col.
T. M. Waller, Conn.
Geo. H. Bates, Del.
Attila Cox, Ky.
James Jeffries, La.
C. H. Osgood, Me.
Geo. Wells, Md.
J. G. Abbott, Mass.
Daniel J. Campau, Mich.
Thos. E. Heenan, Minn.
Chas. E. Hooker, Miss.
David R. Francis, Mo.
Patrick Fahy, Neb.
Wilson G. Lamb, N. C.
Wm. A. Quarles, Tenn.
Geo. L. Spear, Vt.
Frank Hereford, W. Va.
J. T. Hauser, Mon.
M. S. McCormick, Dak.
E. D. Wright, Dist. of Col.
D. E. McCarthy, Nev.
J. F. Cloutman, N. H.
John P. Stockton, N. J.
John C. Jacobs, N. Y.
G. H. Oury, Ariz.
Ransford Smith, Utah.
John M. Selcott, Idaho.
W. D. Chipley, Fla.
M. P. Reese, Ga.
A. E. Stevenson, Ill.
E. D. Bannister, Ind.
L. G. Kinne, Ia.
C. C. Burnes, Kan.
Theo. E. Haynes, Ohio.
S. L. McArthur, Ore.
James P. Barr, Pa.
David S. Baker, Jr., R. I.
Joseph H. Earle, S. C.
Joseph E. Dwyer, Texas.
Robert Beverly, Va.
W. A. Anderson, Wis.
W. B. Childers, N. M.
D. B. Dutro. W. T.

Reply of Mr. Hendricks.

Mr. Chairman and Gentlemen of the Committee : I cannot realize that a man should ever stand in the presence of a committee representing a more august body of men than that which you represent. In the language of another, "The Convention was large in numbers, august in culture and patriotic in sentiments ;" and may I not add to that that, because of the power and the greatness and the virtues of the party which it represented, it was itself in every respect a very great Convention. (Applause.) The delegates came from all the States and Territories, and I believe, too, from the District of Columbia. (Applause.) They came clothed with authority to express judgment and opinion upon all those questions which are not settled by constitutional law. For the purpose of passing upon those questions and selecting a ticket for the people that Convention assembled. They decided upon the principles that they would adopt as a platform. They selected the candidates that they would propose to the party for their support, and that Convention's work was theirs. I have not reached the period when it is proper for me to consider the strength and force of the statements made in the platform. It is enough for me to know that it comes at your hands from that Convention addressed to my patriotic devotion to the Democratic party. (Applause.) I appreciate the honor that is done me. I need not question that, but at the same time that I accept the honor from you and from the Convention, I feel that the duties and the responsibility of the office rest upon me also.

I know that sometimes it is understood that this particular office, that of Vice-President does not involve much responsibility, and as a general thing that is so. But sometimes it comes to represent very great responsibilities and it may be so in the near future, for at this time the Senate of the United States stands almost equally divided between the two great parties and it may be that those two great parties shall so exactly differ that the Vice-President of the United States shall have to decide upon questions of law by the exercise of the casting vote. (Applause.) The responsibility would then become very great. It would not then be the responsibility of representing a State or district. It would be the responsibility of representing the whole country and the obligation would be to the judgment of the whole country, and that vote when thus cast should be in obedience to the just expectations and requirements of the people of the United States. It might be, gentlemen, that upon another occasion great responsibility would attach to this office. It might occur that under circumstances of some difficulty—I dont think it will be next election—but it may occur under circumstances of some difficulty, the President of the Senate will have to take his part in the counting of the electoral vote, and allow me to say that duty is not to be discharged in obedience to any set of men or to any party, but in obedience to a higher authority. (Applause.) Gentlemen, you have referred to the fact that I am honored by this nomination in in a very special degree. I accept the suggestion that in this candidacy I will represent the right of the people to choose their own rulers. That right that is above all, that lies beneath all; for if the people are denied the right to choose their own officers according to their own judgment, what shall become of the rights of the people at all? What shall become of free government if the people select not their officers? How shall they control the laws, their administration and their execution? So that, in suggesting that in this candidacy I represent that right of the people as you have suggested, a great honor has devolved upon me by the confidence of the Convention, As soon as it may be convenient and possible to do so I will address you more formally in respect to the letter you have given me. I thank you gentle men. (Applause.)

Ex-Gov. Hendricks' Letter of Acceptance.

INDIANAPOLIS, August 20, 1884.

GENTLEMEN—I have the honor to acknowledge the receipt of your communication notifying me of my nomination by the Democratic Convention at Chicago as candidate for the office of Vice-President of the United States. May I repeat what I said on another occasion—that it is a nomination which I had neither expected nor desired, and yet I recognize and appreciate the high honor done me by the Convention. The choice of such a body, pronounced with such unusual unanimity and accompanied with so generous an expression of esteem and confidence, ought to outweigh all merely personal desires and preferences of my own. It is with this feeling, and, I trust also from a deep sense of public duty, that I now accept the nomination, and shall abide the judgment of my countrymen. I have examined with care the declaration of principles adopted by the Convention, a copy of which you submit to me, and in their sum and substance I heartily indorse and approve the same. I am, gentlemen, your obedient servant,

T. A. HENDRICKS.

To the Hon. WILLIAM F. VILAS, chairman; NICHOLAS M. BELL, secretary, and others of the Committee of the National Democratic Convention.

Life of Grover Cleveland.

GROVER CLEVELAND, Governor of the State of New York, was born in Caldwell, Essex county, New Jersey, on March 18, 1837. The house in which he was born, a small two-story wooden building, is still standing. It was the parsonage of the Presbyterian church, of which his father, Richard Cleveland, at the time was pastor.

The family is of New England origin, and for two centuries have contributed to the professions and to business, men who have reflected honor on the name. Aaron Cleveland, Governor Cleveland's great-great-grandfather, was born in Massachusetts; but subsequently moved to Philadelphia, where he became an intimate friend of Benjamin Franklin, at whose house he died.

He left a large family of children who in time married and settled in different parts of New England. A grandson was one of the small American force that fought the British at Bunker Hill. He served with gallantry throughout the Revolution and was honorably discharged at its close as a lieutenant in the Continental army. Another grandson, William Cleveland (a son of a second Aaron Cleveland, who was distinguished as a writer and member of the Connecticut legislature) was Grover Cleveland's grandfather. William Cleveland became a silversmith in Norwich, Connecticut. He acquired by industry some property and sent his son Richard Cleveland, the father of Grover Cleveland, to Yale College, where he graduated in 1824. During a year spent in teaching at Baltimore, Maryland, after graduation, he met and fell in love with a Miss Annie Neale, daughter of a wealthy Baltimore book publisher, of Irish birth. He was earning his own way in the world at the time and was unable to marry; but in three years he completed a course of preparation for the ministry, secured a church in Windham, Connecticut, and married Annie Neale. Subsequently he moved to Portsmouth, Virginia, where he preached for nearly two years when he was summoned to Caldwell, New Jersey, where was born Grover Cleveland. When he was three years old (1841) the family moved to Fayetteville, Onondaga county, New York. Here Grover Cleveland lived until he was fourteen years old, the rugged, healthful life of a country boy. His frank, generous manner made him a favorite among his companions, and their respect was won by the good qualities in the germ which his manhood developed. He attended the district school of the village and was for a short time at the academy. His father, however, believed that boys should be taught to labor at an early age, and before he had completed the course of study at the academy he began to work in the village store at fifty dollars for the first year, and the promise of $100 for the second year. His work was well done and the promised increase of pay was granted in the second year.

Meanwhile his father and family had moved to Clinton, the seat of Hamilton College, where his father acted as agent to the Presbyterian Board of Home Missions, preaching in the churches of the vicinity. Hither Grover came at his father's request shortly after the beginning of his second year at the Fayettevile store, and resumed his studies at the Clinton Academy. After three years spent in this town, the Rev. Richard Cleveland was called to the village church of Holland Patent. He had preached here only a month when he was suddenly stricken down and died without an hour's warning. The death of the father left the family in straightened circumstances, as Richard Cleveland had spent all of his salary of $1,000 per year, which was not required for the necessary expenses of living, upon the education of his children, of whom there were nine, Grover being the fifth. Grover was hoping to enter Hamilton College, but the death of his father made it necessary for him to earn his own livelihood. For the first year (1853–4) he acted as assistant teacher and bookkeeper in the Institution for the Blind in New York City, of which the late Augustus Schell was for many years the patron. In the winter of 1854 he returned to Holland Patent, where the generous people of that place, Fayetteville and Clinton, had purchased a home for his mother, and in the following spring, borrowing twenty-five dollars, he set out for the West to earn his living. Reaching Buffalo he paid a hasty visit to an uncle, Mr. Lewis F. Allen, a well-known stock farmer, living at Black Rock, a few miles distant. He communicated his plans to Mr. Allen, who discouraged the idea of the West, and finally induced the enthusiastic boy of seventeen to remain with him and help him prepare a catalogue of blooded short-horned cattle, known as "Allen's American Herd Book," a publication familiar to all breeders of cattle. For this work young Cleveland was to receive fifty dollars, and his uncle further agreed to secure a position for him in a lawyer's office as a clerk or copyist. His ambition had turned toward the law ever since his days in the Clinton Academy, and it was partially in the hope of finding some opportunity to begin the study of the law that he had first decided to go West. While Grover was working on the pedigrees of cattle his uncle visited the law offices of his Buffalo friends and, after several unsuccessful efforts, secured a place for Grover with Rogers, Bowen & Rogers, one of the leading firms in the county. He entered that office accordingly in August, 1855, and after serving a few months without pay, was paid four dollars a week—an amount barely sufficient to meet the necessary expenses of his board in the family of a fellow-student in Buffalo, with whom he took lodgings. Shortly afterward he took a small room in the attic of the Southern Hotel, then a favorite stopping place with drovers and farmers. Life at this time with Grover Cleveland was a stern battle with the world. He took his breakfast by candle-light with the drovers, and went at once to the office where the whole day was spent in work and study. Usually he returned again at night to resume reading which had been interrupted by the duties of the day. In this manner the foundations of legal knowledge were laid deep and firm at the same time that habits of industry and close application were acquired. Gradually his employers came to recognize the ability, trustworthiness and capacity for hard work in their young employee, and by the time that he was admitted to the bar (1859) he stood high in their confidence. A year later he was made confidential and managing clerk, and in the course of three years more his salary had been raised to $1,000. In 1863 he was appointed assistant district attorney of Erie county by the District Attorney, the Hon. C. C. Torrance, in recognition of his abilities and his services to the Democratic party.

Since his first vote had been cast in 1858 he had been a staunch Democrat, and had enrolled himself among the young men of his ward to do duty at the polls on election day. It may be stated here that until he was chosen Governor he always made it his duty, rain or shine, to stand at the polls and give out ballots to Democratic voters. During the first year of his term as assistant district attorney, the Democrats desired especially to carry the board of supervisors. The old Second ward in which he lived was Republican ordinarily by 250 majority, but at the urgent request of the party Grover Cleveland consented to be the Democratic candidate for supervisor, and came within thirteen votes of an election. The three years spent in the district attorney's office were devoted to assiduous labor and the extension of his professional attainments. So vigorously was crime prosecuted and so efficiently did he administer the office that he was nominated for district attorney in 1865, with one voice by the Democrats. The Republicans nominated Mr. Lyman K. Bass, a particular friend of Cleveland's, in order to divide the young men's vote, then beginning to be a prominent factor in Buffalo politics. The election was closely contested, but Bass won by about 500 majority, although Cleveland polled more than the party vote in all the city wards. When he retired from the position of assistant district attorney, in January, 1866, he formed a law partnership with the late Isaac V. Vanderpoel, ex-State Treasurer, under the firm name of Vanderpoel & Cleveland. Here the bulk of the work devolved on Cleveland's shoulders, and he soon won a good standing at the bar of Erie county. In 1869 Mr. Cleveland formed a partnership with ex-Senator A. P. Laning and ex-Assistant United States District Attorney Oscar Folsom, under the firm name of Laning, Cleveland & Folsom. During these years he began to earn a moderate professional income; but the larger portion of it was sent to his mother and sisters at Holland Patent, to whose support he had contributed ever since 1860.

In 1870, at the urgent solicitation of the Democracy and against his own wishes, he consented to be the candidate for sheriff. The election was closely contested, but Mr. Cleveland and the entire Democratic ticket was elected by a good majority. The office of sheriff is the most important position in the county, and its duties were performed by Mr. Cleveland in such a manner as to command the approbation and confidence of the community, as was strikingly demonstrated a few years later. At the expiration of his official term as sheriff (January 1, 1874), Mr. Cleveland resumed the practice of the law, associating himself with the Hon. Lyman K. Bass, his former competitor, and Mr. Wilson S. Bissell. The firm was strong and popular, and soon commanded a large and lucrative practice. Ill health forced the retirement of Mr. Bass in 1879, and the firm became Cleveland & Bissell. In 1881, Mr. George J. Sicard was added to the firm.

In the autumn election of 1881 the Democrats of Buffalo nominated Grover Cleveland for mayor on a platform pledging the party to administrative reform and economy in the expenditures of the city. He was elected by a majority of over 3,500—the largest majority ever given a candidate for mayor—and the Democratic city ticket was successful, although the Republicans carried Buffalo by over 1,000 majority for their State ticket. Grover Cleveland's administration as mayor fully justified the confidence reposed in him by the people of Buffalo, evidenced by the great vote he received. Some of the salient features of his record while in that office are touched upon in other columns.

It was his courageous devotion to the interests of the people and his great executive abilities, which, in the summer and fall of 1882, gave him prominence before the Democracy of the State as a candidate for Governor. The Democratic State Convention met at Syracuse, on September 22, 1882, and nominated Grover Cleveland for Governor on the third ballot. The campaign that followed was auspicious from the beginning and terminated with a triumphant victory. Cleveland was elected Governor by a majority of 192,000, by far the largest ever given in this State, and the largest ever given in any State in the Union. He was inaugurated on January 1, 1883.

Grover Cleveland is in his forty-eighth year. Physically he is of a large and powerful frame ; deliberate and firm, but not slow in his motions. His manner and tone of voice are genial and agreeable. He is broad minded and liberal in his habits of thought, and in religious matters especially a man of conscience rather than a man of any one sect or creed. All his surroundings and habits are those of Democratic simplicity. He walks from the Executive Mansion to the Capitol every morning at nine o'clock, returns to lunch at one, and resumes work at two. The evening he usually devotes to work in the Executive Chamber, walking home never earlier than eleven o'clock. His life is wholly without ostentation. Indeed, the key to his character may be found in the moderation of his wants and the frugality of his living. From such sources spring firmness, courage, clear powers of perception, and collected and deliberate judgment and action. In the strongest and truest sense of the words he is a Jeffersonian Democrat, honest, capable, faithful to the Constitution.

Public Record of Grover Cleveland.

Corporations.

The public duties and rights of private corporations have become the subject of repeated consideration by Governor Clevelend; and his views have been stated in terms so explicit and just as to merit and receive the approval of fair-minded men who have informed themselves as to the particular grounds of his action.

In accepting the nomination for Governor, in October, 1882, he thus defined his position, from which he has never wavered:

> "Corporations are created by the law for certain defined purposes, and are restricted in their operations by specific limitations. Acting within their legitimate sphere they should be protected; but when by combination or by the exercise of unwarranted power they oppress the people, the same authority which created should restrain them and protect the rights of the citizen. The law lately passed for the purpose of adjusting the relations between the people and corporations should be executed in good faith, with an honest design to effectuate its objects and with a due regard for the interests involved."

Almost the first act performed by him as Governor was in fulfillment of the law here referred to, the Railroad Commission act, which authorized the appointment of three railroad commissioners, one from each of the two great political parties, and one upon the nomination of the Anti-Monopoly bodies. Despite great pressure to the contrary, and without waiting for a proposed amendment of the law, Governor Cleveland promptly nominated three commissioners, in literal compliance with the old law, accepting without hesitation the anti-monopoly candidate, Mr. O'Donnell, who now holds his office under the appointment of Governor Cleveland. The fact that the work of the Railroad Commission has been so well done as not only to justify its creation to those even who were originally doubtful of its value, but also to be satisfactory to the anti-monopoly sentiment which led to its formation, is due to the conscientious care with which Govenor Cleveland, ignoring every consideration but the purpose of the law, selected the members who were to serve upon it.

Checking the Aggression of Corporations.

Upon April 2, 1883, the Governor, jealously regarding the interests of the public, as opposed to those of corporations, vetoed a bill tending to increase the power of telegraph companies to use the public streets, from which veto message the following extracts are made:

"A fatal objection to this bill is found in the provision allowing the corporations therein named to enter upon private property, and erect and maintain their structures thereon, without the consent of the owner. It seems to me that this is taking private property, or an easement therein, with very little pretext that it is for a public use.

"If a private corporation can, under authority of law, construct its appliances and structures upon the lands of the citizen without his consent, not only for the purpose of furnishing light, but in an experimental attempt to transmit heat and power, the rights of the people may well be regarded as in danger from an undue license to corporate aggrandizement."

Upon June 14, 1884, despite great opposition from the parties interested, he signed a bill requiring such companies to put their lines under ground on or before November 1, 1885. So, upon May 29, 1883, he vetoed a general street railroad bill, upon the ground that its design was "more to further private and corporate schemes than to furnish the citizens of the State street railroad facilities, under the spirit and letter of the Constitution, and within the limits therein fixed for the benefit of the people."

Upon April 6, 1883, in further exhibition of his disposition to keep corporations within the limit of the laws creating them, he vetoed a bill to extend the time for the payment of the capital stock of a corporation, saying :

"Our laws in relation to the formation of corporations are extremely liberal, and those who avail themselves of their provisions should be held to strict compliance with their requirements. * * * This company and its stockholders have assumed for their own benefit certain relations to the State, to the public and to their creditors, and these relations should not be disturbed. If corporations are to be relieved from their defaults for the asking, their liability to the people with whom they deal will soon become dangerously uncertain and indefinite."

Publicity of Corporation Operations Required.

In his message to the Legislature at the beginning of his second year, the Governor, in vigorous language, called attention to the duty of railroad corporations, and of all others as well, to truly inform the public as to their operations. In the present season of distrust and distress, consequent upon a supposed failure to discharge this duty, these words of the Governor are admirably appropriate. After commending the requirement by the Railroad Commissioners of quarterly reports from the railroad companies, he says :

"It would, in my opinion, be a most valuable protection to the people if other large corporations were obliged to report to some department their transactions and financial condition.

"The State creates these corporations upon the theory that some proper thing of benefit can be better done by them than by private enterprise, and that the aggregation of the funds of many individuals may be thus profitably employed. They are launched upon the public with the seal of the State, in some sense, upon them. They are permitted to represent the advantages they possess and the wealth sure to follow from admission to membership. In one hand is held a charter from the State, and in the other is proffered their stock.

"It is a fact, singular though well established, that people will pay their money for stock in a corporation engaged in enterprises in which they would refuse to invest if in private hands.

"It is a grave question whether the formation of these artificial bodies ought not to be checked or better regulated, and in some way supervised.

"At any rate they should always be well kept in hand, and the funds of its citizens should be protected by the State which has invited their investment. While the stockholders are the owners of the corporate property, notoriously they are oftentimes completely in the power of the directors and managers, who acquire a majority of the stock and by this means perpetuate their control, using the corporate property and franchises for their benefit and profit, regardless of the interests and rights of the minority of stockholders. Immense salaries are paid to officers ; transactions are consummated by which the directors make money, while the rank and file among the stockholders lose it ; the honest investor waits for dividends and the directors grow rich. It is suspected, too, that large sums are spent under various disguises in efforts to influence legislation.

"It is not consistent to claim that the citizen must protect himself, by refusing to purchase stock. The law constantly recognizes the fact that people should be defended from false representations and from their own folly and cupidity. It punishes obtaining goods by false pretenses, gambling and lotteries.

"It is a hollow mockery to direct the owner of a small amount of stock in one of these institutions to the courts. Under existing statutes, the law's delay, perplexity and uncertainty leads but to despair.

"The State should either refuse to allow these corporations to exist under its authority and patronage, or acknowledging their paternity and its responsibilty, should provide a simple, easy way for its people, whose money is invested, and the public generally, to discover how the funds of these institutions are spent, and how their affairs are conducted. It should at the same time provide a way by which the squandering or misuse of corporate funds would be made good to the parties injured thereby.

"This might well be accomplished by requiring corporations to frequently file reports made out with the utmost detail, and which would not allow lobby expenses to be hidden under the pretext of legal services and counsel fees, accompanied by vouchers and sworn to by the officers making them, showing particularly the debts, liabilities, expenditures and property of the corporation. Let this report be delivered to some appropriate department or officer, who shall audit and examine the same; provide that a false oath to such account shall be perjury, and make the directors liable to refund to the injured stockholders any expenditure which shall be determined improper by the auditing authority.

"Such requirements might not be favorable to stock speculation, but they would protect the innocent investors; they might make the management of corporations more troublesome, but this ought not to be considered when the protection of the people is the matter in hand. It would prevent corporate efforts to influence legislation; the honestly conducted and strong corporations would have nothing to fear; the badly managed and weak ought to be exposed."

Thus, it will appear from the Governor's own words, with which his actions have been in full accord, that he has insisted that corporations shall observe the limitations of the laws creating them; that their privileges shall be exercised in subordination to the rights of the public; that their affairs shall be open to public scrutiny; and that to their members and the public alike they shall be honest and fair.

The Five Cent Fare Bill—The Public Faith Must be Kept.

In this same spirit of exact and equal justice, which has demanded of corporations compliance with the provisions of law binding upon them, the Governor has observed the express rights given to them by law. His principle has been "The public faith must be scrupulously kept." Upon this principle he undertook to act in the manner of the veto of what has come to be known as the "Five Cent Fare Bill."

The elevated railroads of New York City, under their charters, charged an uniform rate of fare of five cents during certain of the morning and evening hours in which the great body of workingmen went to and from their homes, and ten cents for the rest of the day. In 1883, the Legislature passed a bill to make the rate of fare five cents throughout the day. This bill the Governor vetoed, upon the ground that it involved a breach of faith on the part of the State. The general railroad law, passed in 1850, and for nearly a quarter of a century declaring the policy of the State, had promised that the Legislature would not reduce the rates of any railroad until its reduced rates should produce a profit of ten per centum on the capital actually expended. The Governor declared that until the profits of these roads should have been ascertained to exceed this limit, the policy of the State forbade their reduction. A subsequent examination by the

Railroad Commission, consisting of one Democrat, one Republican and one Anti-Monopolist, showed that the earnings of the roads were not such as to justify the proposed reduction of fare, thus justifying the action of the Governor.

Another reason for his veto was found in the express provisions of one of the special acts applicable to one of these roads. It was therein provided that the company should, under bonds, pledge itself to pay a certain percentage into the city treasury, which should "constitute an agreement *in the nature of a contract* between the city and constructing company, entitling the company to the legalized rates of fare, *which shall not be changed without the mutual consent of the parties.*"

The railroad company having made these payments to the city, the Governor considered that under those terms of this act there had been constituted "*an agreement in the nature of a contract*" between the city and the company, which the State could not in good faith abrogate.

It also appeared that still another contract in writing, to the same effect, had been made between the rapid transit commissioners and the railroad companies, before the roads were built and to induce their construction, thus constituting a third promise on the part of the public which this bill proposed to break. The Governor did not believe that the people of New York nor its Legislature, when brought to a knowledge of these facts, would desire this great State to be even suspected of trifling with its obligations, and so in a message so explicit as to necessarily reach great length, he transmitted to the Assembly the reasons why he was unable to approve the bill. The effect justified his estimate of the honor of the State and of its legislators. (A majority voted to sustain his veto, while two-thirds would have been necessary to overrule it.) From every side came expressions of commendation for the scrupulous attention that had been given to the maintenance of the public faith, and (though there was dissent from the Governor's conclusion that a contract existed) none doubted but that this being his honest conclusion, he was by his oath bound to disapprove the bill, which he did in the following

Veto Message.

STATE OF NEW YORK,
EXECUTIVE CHAMBER, ALBANY, March 2, 1883.

To the Assembly:

Assembly bill No. 58, entitled "An act to regulate the fare to be charged and regulated by persons or corporations operating elevated railroads in the City of New York" is herewith returned without approval.

This bill prohibits the collection or receipt of more than five cents fare on any elevated railroad in the City of New York, for any distance between the Battery and Harlem river, and provides,that if any person or corporation operating such elevated railroads shall charge, demand, collect or receive any higher rate of fare, such person or corporation shall, in addition to all other penalties imposed by law, forfeit and pay to any person aggrieved fifty dollars for each offense, to be recovered by such person in any court of competent jurisdiction.

The importance of this measure and the interest which it has excited, has impressed me with my responsibility, and led me to examine, with as much care as has been possible, the considerations involved.

I am convinced that in all cases the share which falls upon the Executive regarding the legislation of the State should be in no manner evaded, but fairly met by the expression of his carefully guarded and unbiased judgment. In his conclusion he may err, but if he has fairly and honestly acted, he has performed his duty and given to the people of the State his best endeavor.

The elevated railroads in the City of New York are now operated by the Manhattan Railway Company, as the lessee of the New York Elevated Railway Company and the Metropolitan Elevated Railway Company.

Of course whatever rights the lessor company have in relation to the running and operation of their respective roads passed to the Manhattan Company under its lease.

The New York Elevated Railway Company is the successor of the West Side and Yonkers Patent Railway Company.

The latter company was formed under and in pursuance of an act passed on the 20th day of June, 1866.

The third section of that act provides that companies formed under its provisions "may fix and collect rates of fare on their respective roads, not exceeding five cents for each mile, or any fraction of a mile, for each passenger, and with rights to a maximum fare of ten cents."

On the 22d day of April, 1867, an act was passed in relation to this corporation, which provides for the manner of constructing its road, the eighth section of which act reads as follows:

"The said company shall be authorized to demand and receive from each passenger within the limits of the City of New York rates of fare, not exceeding for any distance less than two miles five cents, and for every mile or fractional part of a mile in addition thereto one cent; provided that when said railway is completed and in operation between Battery place and the vicinity of the Harlem river, the said company may, at its option, adopt a uniform rate, not exceeding ten cents for all distances upon Manhattan Island, and may also collect said last-named rate for a period of five years from and after the passage of this act."

It was further provided by section 9 of this act that the said company should pay a sum not exceeding five per cent. of the net income of said railway from passenger traffic upon Manhattan Island into the treasury of the City of New York, in such manner as the Legislature might thereafter direct, as a compensation for the use of the streets of the city.

In 1868 a law was passed supplementary to the act last referred to, by which the said company was authorized to adopt such form of motor as certain commissioners should, after due experiment, recommend or approve.

Specific provision was made in the act to carry out section 9 of the law of 1867, in relation to the payment of the five per cent. of the net income of the company into the treasury of the city.

Section 3 of this act contains the following provision: "It shall be the duty of the constructing company aforesaid, before opening its railway to public use, to file with the comptroller of the City of New York, in form to be approved by the mayor of the City of New York, its bond in the penal sum of $100,000, conditioned upon the true and faithful payment of the revenue in amount and manner specified in the preceding section, and the payment thereof shall be the legal compensation in full for the use and occupancy of the streets by said railway as provided by law, and shall constitute an agreement in the nature of a contract between said city and constructing company, entitling the latter, or its successors, to the privileges and rates of fare heretofore or herein legalized, which shall not be changed without the mutual consent of the parties thereto as aforesaid; and the mayor, on behalf of said city, may, in case of default in payments as aforesaid, sue for and collect at law any arrearages in such payment, and the claims of the city therefor shall constitute a lien on the railway of said company having priority over all others."

The use of what are called dummy engines was afterwards authorized in the operation of said road by the Commissioners above referred to.

The New York Elevated Railroad Company was organized under the general railroad law passed in 1850, and the laws amendatory thereof and supplementary thereto.

Within a short time thereafter the last named company became the purchaser under a foreclosure, and by other transfers, of the railway and all the rights, privileges, easements and franchises of the West Side and Yonkers Patent Railway Company (the name of which had in the meantime been changed to the West Side Elevated Patented Railway Company of New York City).

We have now reached a point where the New York Elevated Railway Company, one of the lessors of the Manhattan Railroad Company, has succeeded to all the rights and property of the West Side and Yonkers Patent Railway Company.

By a law passed on the 17th day of June, 1875 (the railway still being unfinished), it is declared that the New York Elevated Railroad Company, having acquired by purchase under mortgage foreclosure and sale and other transfer, all the rights, powers, privileges and franchises which were conferred upon the West Side and Yonkers Patent Railway Company by the acts above referred to, is "hereby confirmed in the possession and enjoyments of the said rights, powers, privileges and franchises as fully and as large as they were so granted in and by the acts aforesaid to the said West Side and Yonkers Patent Railway Company.

The Court of Appeals, speaking of this law, uses the following language :

"The effect of this act was to secure to the Elevated Railroad Company all the rights, privileges and franchises of the West Side and Yonkers Patent Railway Company under the purchase by and transfer to it."

By the sixth section of this act, it is provided that the New York Elevated Railroad Company might demand and receive from each passenger on its railroad, not exceeding ten cents for any distance of five miles or less, and with the assent required by section three of the act of 1868, hereinbefore referred to, not exceeding two cents for each additional mile or fractional part thereof.

Another act was passed in 1875, commonly called the Rapid Transit Act, which provided for the appointment of commissioners, who, among other things, were authorized to fix and determine the time within which roads subject to the provisions of the act should be completed, together with the maximum rates to be paid for transportation and conveyance over said railways and the hours during which special cars should be run at reduced rates of fare.

Commissioners were duly appointed by the mayor of the City of New York, as provided by this act, who fixed and determined the route of the road of the New York Elevated Railroad Company, and prescribed with the utmost particularity the manner of its construction and therefore deliberately agreed with said company that it should charge as fare upon trains and cars other than what were called by the parties commission trains and cars, for all distances under five miles not to exceed ten cents, and not to exceed two cents for each mile or fraction of a mile over five miles, until the fare should amount to not exceeding fifteen cents for a through passenger from and between the Battery and the intersection of Third avenue and One Hundred and Twenty-ninth street, and from and between the Battery and High Bridge not to exceed seventeen cents for a through passenger, and that for the entire distance from and between the Battery and Fifty-ninth street the fare should not exceed ten cents per passenger.

It was further agreed between the said company and commissioners that commission trains should be run during certain hours in the morning and evening for the accommodation of the public and the laboring classes, upon which the fare should not exceed five cents from and between the Battery and Fifty-ninth street, nor any greater sum for any distance not exceeding five miles ; that it should not exceed seven cents for a through passenger from and between the Battery, or any point south thereof and the Harlem river, and that such fare should not exceed eight cents on such commission cars and trains from and between the Battery and High Bridge.

And it was further agreed by said company that when the net income of the road, after all expenditures, taxes, and charges are paid, should amount to a sum sufficient to pay exceeding ten per cent. per annum on the capital stock of the company ; that in such case and within six months thereafter, and so long as said net earnings amount to a sum sufficient to pay more than ten per cent. as aforesaid, the said company would run commission trains on its roads at all hours during which it should be operated at the rates of fare last mentioned.

Having thus completed an agreement with this company, the commissioners transmitted the same to the mayor of the City of New York, accompanied by a very congratulatory report of their proceedings, whereupon the mayor submitted the same to the Board of Aldermen, by whom it was approved. This was in the latter part of 1875.

Since that time the New York Elevated Railroad Company, upon the faith of the laws which have been recited, and its proceedings with the commissioners, at a very large expense, has completed its road from the Battery to Harlem river, a distance of about ten miles.

The bill before me provides that notwithstanding all the statutes that have been passed and all that has been done thereunder, passengers shall be carried the whole length of this road for five cents, a sum much less than is provided for in any of such statutes or stipulated in the proceedings of the commissioners.

I am of the opinion that in the legislation and proceedings which I have detailed, and in the fact that pursuant thereto the road of the company was constructed and finished, there exists a contract in favor of this company, which is protected by that clause of the Constitution of the United States which prohibits the passage of a law by any State impairing the obligation of contracts.

But let it be supposed that this is not so, and that neither of these lesser companies are in any way protected from interference with their rates of fare, but that, on the contrary, they are subject to all the provisions of the general railroad act, under which they are both organized.

Section thirty-three of that act reads as follows :

" The legislature may, when any such railroad shall be opened for use, from time to time alter or reduce the rate of freight, fare or other profits upon said road; but the same shall not, without the consent of the company, be so reduced as to produce with said profits less than ten per centum per annum on the capital actually expended, nor unless on an examination of the amount received or expended, to be made by the State Engineer and Surveyor, and the Comptroller, they shall ascertain that the net income derived by the company from all sources, for the year then last past shall have exceeded an annual income of ten per cent. upon the capital of the corporation actually expended."

Even if the State has the power to reduce the fare on these roads, it has promised not to do so except under certain circumstances and after a certain examination.

I am not satisfied that these circumstances exist, and it is conceded that no such examination has been made.

The constitutional objections which I have suggested to the bill under consideration are not, I think, removed by the claim that the proposed legislation is in the nature of an alteration of the charters of these companies, and that this is permitted by the State Constitution and by the provisions of some of the laws to which I have referred.

I suppose that while the charters of corporations may be altered or repealed, it must be done in subordination to the Constitution of the United States, which is the supreme law of the land. This leads to the conclusion that the alteration of a charter cannot be made the pretext for the passage of a law which impairs the obligation of a contract.

If I am mistaken in supposing that there are legal objections to this bill, there is another consideration which furnishes to my mind a sufficient reason why I should not give it my approval.

It seems to me that to arbitrarily reduce these fares, at this time and under existing circumstances, involves a breach of faith on the part of the State, and a betrayal of confidence which the State has invited.

The fact is notorious that for many years rapid transit was the great need of the inhabitants of the City of New York, and was of direct importance to the citizens of the State. Projects which promised to answer the people's wants in this direction failed and were abandoned. The Legislature, appreciating the situation, willingly passed statute after statute calculated to aid and encourge a solution of the problem. Capital was timid, and hesitated to enter a new field full of risks and dangers. By the promise of liberal fares, as will be seen in all the acts passed on the subject, and through other concessions gladly made, capitalists were induced to invest their money in the enterprise, and rapid transit but lately became an accomplished fact. But much of the risk, expense and burden attending the maintenance of these roads are yet unknown and threatening. In the meantime, the people of the City of New York are receiving the full benefit of their construction, a great enhancement of the value of the taxable property of the city has resulted, and in addition to taxes, more than $120,000, being five per cent. in increase, pursuant to the law of 1868, has been paid by the companies into the city treasury on the faith that the rate of fare agreed upon was secured to them. I am not aware that the corporations have, by any default, forfeited any of their rights ; and if they have, the remedy is at hand under existing laws. Their stock and their bonds are held by a large number of citizens, and the income of these roads depends entirely upon fares received from passengers. The reduction proposed is a large one, and, it is claimed, will permit no dividends to investors. This may not be true, but we should be satisfied it is not before the proposed law takes effect.

It is manifestly important that invested capital should be protected, and that its necessity and usefulness in the development of enterprises valuable to the people should be recognized by conservative conduct on the part of the State government.

But we have especially in our keeping the honor and good faith of a great State, and we should see to it that no suspicion attaches, through any act of ours, to the fair fame of the commonwealth. The State should not only be strictly just, but scrupulously fair, and in its relations to the citizen every legal and moral obligation should be recognized. This can only be done by legislating without vindictiveness or prejudice, and with a firm determination to deal justly and fairly with those from whom we exact obedience.

I am not unmindful of the fact that this bill originated in response to the demand of a large portion of the people of New York for cheaper rates of fare between their places of employment and their homes, and I realize fully the desirability of securing to them all the privileges possible, but the experience of other States teaches that we must keep within the limits of law and good faith, lest in the end we bring upon the very people we seek to benefit and protect a hardship which must surely follow when these limits are ignored.

GROVER CLEVELAND.

Among many expressions in opposition to the bill was a most emphatic communication from the Mayor of the City of New York, earnestly asking for the veto of the bill, concerning which, as a measure particularly relating to the City of New York, the Mayor of that city seemed to be particularly qualified to speak.

The bill having been vetoed, letters of commendation and hearty approval were received from all parts of the State, from men of every shade of political opinion and in every walk of life.

The Railroad Commission's Conclusions.

Subsequently to the veto of the bill an examination of the cost and earnings of the elevated railroads was undertaken by the Railroad Commissioners, of whom none reported a limitation of a five-cent fare for the whole day, though one recommended a "judicious extension of the commission hours," by adding three hours, in which a five-cent fare should be charged, and submitted a bill to that effect, which was introduced in the Republican Legislature of 1884, but was defeated by a Republican Senate, and never reached Governor Cleveland.

The report of the majority of the Commission contained the conclusion that a reduction to a five-cent fare throughout the day would, at the number of passengers carried in 1882, "reduce the gross income so as to prevent the roads from even paying interest on their bonded debt in full. The laboring classes of New York are carried between the hours of 5.30 and 8.30 A.M., and 4.30 and 7.30 P.M., at five cents, upon trains which run at intervals of forty-five seconds. The reduction would not so much benefit them, therefore, as it would the class who are better able to pay ten cents than the laborers are to pay five."

Thus did the result show that the Governor was justified in his refusal to weaken respect for the promises of the State, and that in this as in his whole course of action concerning corporations, the Governor has been controlled by no partiality or favoritism, but only by a just regard for the rights of the State and the public, and the observance of public faith.

The suggestion that his action on the Five Cent Fare Bill was taken out of deference to the capitalists controlling those roads is quite absurd in view of the fact that all of those most prominently named in connection with them oppose him and support the Republican candidate for the presidency.

Neither corporations nor corporators have had from him any favor nor any injustice. The equal administration of the laws has been his aim and practice with reference both to them and to the public.

The Labor Record.

Labor is organized in the State of New York. The chief representative body of the State is "State Trades Assembly." It is not organized alone for political purposes, but has for its real purpose the improvement of the condition of the workingmen in all things. Its participation in matters political is incidental to the real purpose of its existence. In seeking the improvement in the condition of labor, it has through committees for years applied to the great political organizations for assistance and consideration. It has received these only from the Democratic party. Organization in this branch of endeavor has had its effect, as it does everywhere ; and so it came about that in 1882, as a result of organization, and for the first time, it presented well defined contentions, with which it appeared before the two great parties of the State—the Democratic and the Republican. The Republican party gave no heed whatever to its requests. The Democratic party listened ; and believing in them embraced them in their platform of that year. Upon this platform Grover Cleveland was placed by the Democracy of the State, and upon it he was elected to be Governor. His faithful adherence to the pledges and promises of that platform is known of all men, and so faithful as to be regarded the beginning of a new era in politics, when candidates would regard the obligations of formulated party utterances.

The Labor Plank of 1882.

The plank relating to labor was the twelfth, and read as follows:

Twelfth—We reaffirm the policy always maintained by the Democratic party that it is of the first importance that labor should be made free, healthful and secure of just remuneration. That convict labor should not come into competition with the industry of law-abiding citizens. That the labor of children should be surrounded with such safeguards as their health, their rights of education and their future, as useful members of the community, demand. That workshops, whether large or small, should be under such sanitary control as will insure the health and comfort of the employed, and will protect all against unwholesome labor and surroundings. That labor shall have the same rights as capital to combine for its own protection, and that all legislation which cramps industry, or which enables the powerful to oppress the weak, should be repealed ; and, to promote the interests of labor, we recommend the collection of statistics and information respecting the improvements, needs and abuses of the various branches of industry."

This plank Grover Cleveland accepted in its entirety, not only in the letter, but in the spirit, as the subsequent record will show, in the following words, which are taken from his letter of acceptance of the gubernatorial nomination, dated at Buffalo, October 7, 1882 :

"The platform of principles adopted by the convention meets with my hearty approval. The doctrines therein enunciated are so distinctly and explicitly stated that their amplification seems scarcely necessitated. If elected to the office for which I have been nominated I shall endeavor to impress them upon my administration and make them the policy of the State."

And again, further on, he says :

"The laboring classes constitute the main part of our population. They should be protected in their efforts to assert their rights when endangered by aggregated capital, and all statutes on this subject should recognize the care of the State for honest toil, and be framed with a view of improving the condition of the workingman."

It is now a matter of history that this pledge has been most faithfully fulfilled.

Having thus found the Democratic party and its candidate willing to accept these contentions as their own, the representative laboring men proceeded to put them into effect by drafting bills to present to the Legislature. Thus in an orderly and efficient way, in fact the only way in which to put them into effect, these contentions were formulated into measures. Four bills were introduced in the Legislature of 1883, the first year of Governor Cleveland's term.

Bureau of Labor Statistics.

One was the bill providing for the establishment of a Bureau of Labor Statistics. This the labor representatives regarded as by far the most important of all the measures they had presented. So soon as the bill reached him, the Governor showed his intention of keeping his pledges by signing it.

Tenement House Cigar Bill.

Another was the bill prohibiting the manufacture of cigars in tenement houses, which the Governor promptly signed. This law was subsequently declared defective in title, and therefore unconstitutional, by the courts ; another bill was introduced in the Legislature of 1884, and the defect in the title having been remedied, was passed and the Governor signed it again. It is a fair illustration of the recklessness and audacity which has inspired the effort to mislead the public mind as to the Governor's attitude toward measures of this character, to cite the fact in this place that it has been repeatedly and persistently asserted that the Tenement House Cigar bill was vetoed by him,—a statement absolutely the reverse of true—but not more so than the other charges with which the opposition, valid reasons failing, has endeavored to sustain itself.

The Hatters' Bill.

Another was the bill prohibiting the manufacture of woolen hats in the State prisons, penitentiaries and reformatories of the State, and this was promptly signed by the Governor. For several years ineffectual efforts had been made to pass this bill.

Convict Labor Bill.

The fourth and last of the series of the labor bills for 1883 was the bill to abolish convict labor in State prisons. This bill met with very great opposition from the Republicans of the Legislature, and Thomas F. Grady, then a Senator from the City of New York, introduced a bill providing that the question be submitted to the voters of the State. Thus it was that the bill never reached the Governor, and no opportunity was afforded him to act upon it during the session of 1883.

The question was submitted to the voters in November, 1883, and decided by a very large majority against the continuance of convict prison labor. Thus it is shown that every bill relating to labor which reached the Governor in 1883 he promptly signed.

Returning to the Effort.

In 1884 the labor representatives, encouraged by their successes in 1883, again presented themselves before the Legislature with further demands formulated into measures as follows :

The tenement house cigar bill, to which reference was made above. This was made necessary by the decision of the Court of Appeals that the bill was unconstitutional in that its title was defective. The defect having been remedied, the Governor signed it.

Convict Labor Again.

The bill prohibiting the employment of convicts in State prisons on contract labor. This was popularly known as the "Comstock" bill, and provided no substitute for the labor the convicts were employed in. There were several defects in the bill as it reached the Governor which would have made it inoperative, but the Governor called in Mr. Thayer, the President of the State Trades' Assembly, and pointing out the defects, among which was that penitentiaries were excepted from the provisions of the bill, suggested a recall of the bill to correct it, which was done, and then it was signed. Had not the Governor been the friend of labor he is, he could have defeated its object by signing it as it came to him. Subsequently, a bill known as the Howe Commission bill passed the Legislature, providing for the appointment of five commissioners, to investigate and report by May first some suitable system for the employment of convicts. After an investigation of only a few days they reported that they could not make a report within the specified time. A bill was then passed extending the time until January 1, 1885. This the Governor vetoed, and in forcible terms, declaring that it was the duty of the Legislature to provide at that session some substitute. The Republican Legislature dallied with the question, and let it die, and the fact is, that as the contracts under which the convicts labor now expire, the convicts will be without work, the responsibility of which must rest upon the Republican Legislature.

Child Contract Labor Bill.

One of the bills introduced in the interest of labor this year was that making it unlawful for the trustees or managers of any house of refuge, reformatory or other correctional institution, to contract, hire or let the service or labor of any child committed to or an inmate of such institutions. It was passed and signed by the Governor. This is another of the bills which it has been falsely stated the Governor vetoed, and it furnishes a further illustration of the utter recklessness of those who have sought to arouse hostility upon false grounds. It may well be claimed that the fact that these charges, absolutely false as they are, have to be resorted to by the Governor's opponents, offers conclusive proof that there are no good grounds on which such opposition can be based.

Mechanics' Lien Law.

One of the bills introduced was that one known as the Mechanics' Lien Law. This bill, which was a local act applying only to Kings and Queens counties and the cities of the State, was vetoed by the Governor, and, as an examination shows, clearly in the interest of workingmen. Instead of giving the mechanic the first lien, as was the object of the bill, by an oversight in the drafting of it, it gave to all parties having claims, whether mechanics or not, the first lien, thus reducing the mechanics to a level with all claimants. Moreover it repealed in distinct terms a number of mechanics' lien laws already on the statute books. To make it a law was to sacrifice many real and substantial advantages already possessed by mechanics.

The bill largely increased the cost of enforcing liens and would have chiefly benefited lawyers.

Conductors' and Drivers' Bill.

Since the year 1870 the Laws of the State of New York have declared that
" eight hours shall constitute a legal day's work for all classes of mechanics, work-
" ingmen and laborers, excepting those engaged in farm and domestic labor, but
" overwork for an extra compensation, by agreement between laborer and employer

"is hereby permitted." Though the title and subsequent sections of the law limited this provision to public works, its effect has been generally to establish an eight hour system in the State of New York. It has gone as far in the accomplishment of this purpose as any law could by way of recommendation.

Early in the session of 1884 there was introduced in the Assembly a bill in the following terms:

> SECTION 1. On and after the passage of this act it shall be unlawful for any officer or agent of any railroad corporation in any of the cities of this State, whose cars are drawn by horses, TO EXACT from conductors or drivers employed by them more than twelve hours' labor FOR A DAY'S WORK, and such corporations shall, out of said twelve hours' labor, allow such conductors and drivers a reasonable time to obtain meals.
>
> § 2. Any officer or agent of any such corporation who shall violate or otherwise evade the provisions of this act shall be deemed guilty of a misdemeanor, punishable by a fine of not to exceed three hundred dollars or imprisonment not to exceed six months, or both fine and imprisonment for each offense.
>
> § 3. This act shall take effect immediately.

This bill passed the Assembly promptly, but going to the Senate was there ignored until the last day but one of the session, when it was at first defeated, but upon a reconsideration, it was adopted by a bare constitutional majority.

Owing to this delay by the Legislature, the bill reached the Governor after the final adjournment, when all opportunity for amendment was gone, and when the bill had to be considered upon its merits as a piece of legislation, according to its actual terms, and not as it might have been had more care been taken in expressing the wishes of its promoters.

Unless effective as a law, it would have been worse than useless as a mere recommendation upon the statute books, for it would have recommended a reduction only to twelve hours for a day's work while the statute of 1870 had already set up a standard of eight hours A scrutiny of the provisions of the bill will show that it would not have been effective as a law, and that it would have tended to impair rather than increase the advisory effect of the eight-hour law of 1870.

Upon a careful consideration of the terms of this bill, it will be perceived that it forbade only one thing—*the exaction* of more than twelve hours' labor *for a day's work* from conductors or drivers of cars drawn by horses.

Every one must concede that this would have been construed by the courts as a penal statute. Nothing could be added to its express provisions, nor could they be enlarged by implication.

Thus construed the bill was meaningless, and would have accomplished nothing as to any case in which it should not be shown:

1. That more than twelve hours' labor had been *exacted.*
2. That it had been so exacted *for a day's work.*
3. The cars were drawn *by horses.*
4. That the offense was committed *in a city.*

There was in the bill:

1. Nothing to prevent a voluntary agreement between the parties to work more than twelve hours, thus inviting litigation in each case as to whether the work had been "exacted" or voluntarily rendered.

2. No applicability to cases where service was rendered not by "day's work" but by the trip, the fact being that in almost all cases men are paid by the trip, a practice which would have become universal had the bill become a law.

3. Nothing to protect conductors of cars drawn by steam or by mules, or drivers of stages.

4. Nothing to cover cases of drivers or conductors of cars, except within the limits of incorporated cities.

Few bills have been so crude or so insufficient to substantially attain the ostensible purpose of their introduction, and even a less kind-hearted man than Governor Cleveland would have hesitated before incorporating in the legislation of this State, as the first bill fixing the hours of labor in one single business, a measure as faulty as this; as little likely to accomplish its professed object, and as likely to result in a diminution of the men's earnings by reason of a reduction of trips, since the general practice, not forbidden by the bill, is to pay not by the day but by the trip. It is a matter of general information that the wages of these hard-working men is now hardly more than sufficient to afford them a bare subsistence.

The general understanding of the character of the measure and the reason why the Senate delayed its passage were declared upon the day of legislative adjournment, and before the bill reached the Governor, by a prominent Republican journal (the *Albany Evening Journal*), now supporting the Republican candidates, in the following terms:

> "The Senate, however, gave these matters closer investigation and finding that in many respects the bills checked rather than advanced the cause of labor, declined to concur in them. Among these measures was Mr. Earl's bill fixing hours of labor for horse-car conductors, in behalf only time Speaker Sheard himself took the floor for the only time during the session. In the Senate it was shown that the bill would be inoperative, and it was accordingly lost. It was reconsidered late at night and passed. It is purely a piece of buncombe legislation and a patent lie in its very title."

To a bill likely to disappoint the expectations of those who had been led to suppose that it was sufficient and beneficial instead of a delusion, Governor Cleveland could not give his approval. Always unwilling to assume the appearance of doing something when in fact the act was worthless; unwilling when asked for bread to give a stone, he was compelled to let this bill die, sincerely declaring "I cannot think this bill is in the interest of the workingmen."

All other bills distinctly relating to labor or urged by labor interests were defeated by a Republican Legislature and not permitted to reach the Governor.

Making Laboring Men Preferred Creditors.

As an evidence of the care Governor Cleveland manifests for laboring men, the prompt signing of a bill which creates laboring men preferred creditors for wages in the case of the assignment of an employer. This bill, most important to laboring men, attracted little attention even from laboring men at the time of its enactment, but the quick eye and mind of the Governor appreciated its value and he made it a law. The law is as follows:

CHAP. 328.

"AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to assignments of the estates of debtors for the benefit of creditors.'

Passed May 21, 1884, three-fifths being present.

"*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

"SECTION 1. Section twenty-nine of chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled 'An act in relation to assignments of the estates of debtors for the benefit of creditors,' is hereby amended to read as follows:

"§ 29. In all assignments, made in pursuance of this act, the wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment, shall be preferred before any other debt; and should the assets of the assignor or assignors not be sufficient to pay in full all the claims preferred, pursuant to this section, they shall be applied to the payment of the same pro rata to the amount of each such claim.

"§ 2. This act shall take effect immediately.

What the President of one of the Principal Labor Organizations of the State of New York says.

TROY, July 21, 1884.

To the Argus:

I have been informed that a statement has been published to the effect that while in Chicago at the recent National Democratic Convention I stated that I could pledge the vote of the workingmen of this and other localities to Governor Cleveland. I wish to state that no such expression ever fell from my lips, and that no interview with me was ever published in which I made such a statement. On the contrary, I stated that *no man* could pledge the vote of the labor element of New York State, or of any portion of it, *to any candidate,* nor did any man have sufficient influence to cause it to be cast against any candidate. I stated that if any man pretended to pledge the workingmen's vote to any candidate he did so without any authority. I stated that I had no authority to speak for them on political questions, nor had anyone else. I was asked what my *personal* preferences were, and I said that I preferred Governor Cleveland. When asked my reasons I expressed them as follows: The Workingmen's Assembly of this State has, since I have been at the head of that organization, succeeded in passing through the Legislature the following bills: Abolishing the manufacture of hats in the State prisons; creating a bureau of labor statistics; the tenement house cigar bill (*twice*); the abolition of convict contract labor; the lien law, and the conductors and drivers' bill—seven in all. Of these measures Governor Cleveland signed *five* and vetoed two, viz: The lien law and the conductors' and drivers' bill. As to the lien law, it is generally acknowledged now that he did us a kindness in vetoing that bill, because, through errors of our own in drafting the measure, the bill as passed would have been a positive injury to us. The conductors' and drivers' bill, I think, he should have signed. So the record shows that we have sent to Governor Cleveland six perfect bills and he has signed *five* and vetoed *one.* On this record I am not prepared to condemn him. If the Governor does us five favors and commits but one error, I feel that he is entitled to my support. In addition to the labor measures prepared by our organization Governor Cleveland has signed a bill introduced by Senator Fassett, which makes workingmen preferred creditors in case of assignment or failure of the firm or corporation by which they are employed. Recognizing the justice of the measure and its great benefits to the working class, I asked Governor Cleveland to sign it and he did so without hesitation. So, to sum the matter up, he has approved of six bills favorable to our interests and disapproved of one. By his record on legitimate labor measures I judge him, and on the strength of that record I shall support him. I do not wish it understood that I am voicing the sentiments or preferences of anyone but myself. I have no authority to speak for the workingmen on political subjects.

Yours truly,

WALTER N. THAYER,

President of the New York State Trades' Assembly.

Two facts must be strikingly apparent from the foregoing:

First, that though labor has been organized for many years, it has been in agitations unsuccessful until a recent period.

Second, that within the two years last passed, it has accomplished nearly all or quite all its demands.

How comes this about that suddenly so much success attends labor agitations? The answers are equally clear. In 1882 the Democratic party accepted the contentions of labor as its own, and upon the platform embracing these contentions Grover Cleveland, the honest man, was elected Governor. Proposing to faithfully carry out the pledges and promises he had made in the acceptance of the platform, he insisted upon all others in authority doing the same, and the result is the wonderful progress made in matters of labor—a result due to the stand taken by Governor Cleveland.

Prisons and Pardons.

The Governor and his Exercise of the Power Vested in him.

One of the last acts of Governor Cornell was the appointment of a superintendent of prisons, so that during the administration of Governor Cleveland the prisons of the State have been under the management of an officer not appointed by the Governor.

That Governor Cleveland is much interested in the prison system of the State is shown in his public acts and papers. The penal system is by no means the best that could be designed, and the responsibility for its conduct is divided. The correctional institutions of the State are the State prisons—Auburn, Sing Sing, and Clinton; the penitentiaries—of New York, Kings, Erie, Albany, Monroe, and Onondaga counties; houses of refuge and reformatories—the New York House of Refuge, Western House of Refuge and the State Reformatory at Elmira, and the county jails.

Of these the State prisons are under direct State control; the penitentiaries are under county management; the reformatories are under the direction of managers appointed by the Governor and confirmed by the Senate; and the common jails are under county control. Without attempting to discuss the wisdom of the system of divided authority, it is sufficient to say here that in that which the State has control, the Governor began very early to manifest a deep concern. Hardly a month had elapsed after assuming the duties of Governor before he addressed the following letter to Superintendent Baker:

Treatment of Convicts.

STATE OF NEW YORK, EXECUTIVE CHAMBER,
ALBANY, February 2, 1883.

Hon. ISAAC V. BAKER, Jr., *Superintendent of State Prisons:*

DEAR SIR—I deem it proper to call your attention to the provisions of section 108 of chapter 460 of the Laws of 1847, which prohibits the infliction of blows upon any convict in the State prisons by the keepers thereof, except in self-defense or to suppress a revolt or insurrection; and also to chapter 869 of the Laws of 1869, abolishing the punishments commonly known as the shower-bath, crucifix or yoke and buck. I suppose these latter forms of punishment were devised to take the place of the blows prohibited by the law of 1847.

Both of the statutes above referred to seem to be still in force, and in my opinion, they are in no manner affected by the Constitutional Amendment giving the Superintendent "the superintendence, management and control of the prisons," nor by sections 1 and 5 of chapter 107 of the Laws of 1877, providing that the

Superintendent shall have the management and control of the prisons and of the convicts therein, and of all matters relating to the government, discipline, police, contracts and fiscal concerns thereof, and that he shall make such rules and regulations for the government and punishment of the convicts as he may deem proper.

I especially desire to avoid any injurious interference with the maintenance by the prison authorities of efficient discipline; but I insist that, in the treatment of prisoners convicted of crime, the existing statutes of the State on that subject should be observed.

Yours respectfully,
GROVER CLEVELAND.

The Pardoning Power.

The great and merciful power of pardon is vested in the Governor. There was a time in the history of this State when, probably, this power was exercised too freely and without due discretion. Perhaps that is the reason why, when a change in this matter took place, the other extreme was reached, and when quite as much fault could be found with the one as the other. There are times when the withholding of clemency is as great an injustice as its lavish exercise.

Commutations.

So far as it lay in his power, Governor Cleveland began reforms in the matter of the treatment of prisoners. Under the statutes, a prisoner for good conduct is allowed a remission or commutation of two months for each of the first two years, four months for the third and fourth, and five months for each subsequent year. The question of the aggregating of sentences in the allowance for good conduct was settled in the affirmative early in the administration of Governor Cleveland, and properly, for few will be willing to deny that he who receives four sentences of five years each is entitled to as much commutation for good conduct as he who receives a single sentence of twenty years.

A Reform.

The Governor also decided that all prisoners confined in the prisons or penitentiaries having an aggregate sentence of one year or over, could earn commutation whether under conviction of felony or other crimes or misdemeanors. And who will deny that this decision was not the correct one, when it is considered that the sole object of the laws authorizing these commutations is to encourage good conduct and promote discipline in prisons? Moreover, it was a demonstration, and an early one, of the humane instincts of the Governor.

The Governor on Reformatories.

Quite in the line of this policy is his comments upon the reformatories in his last message to the Legislature. He says:

"Of the number above mentioned, 507 (the 15,000 men, women and children confined in the prisons, houses of refuge, penitentiaries, reformatories, jails and protectories) were confined in the State Reformatory at Elmira, upon conviction of felonies. Such convicts are required to be between the ages of sixteen and thirty years. No term of imprisonment is fixed by the sentence, but they cannot be detained longer than the maximum time for which they might have been sent to prison. Within this limit they may be imprisoned until discharged by the rules of the institution.

"The board of managers may transfer 'temporarily' to either of the State prisons any inmate, who, subsequent to his committal to the reformatory, shall be shown to have been, at the time of his conviction, more than thirty years of age, or to have been previously convicted of crime, or any apparently incorrigible prisoner whose presence in the reformatory appears to be seriously detrimental to the well-being of the institution. If after such transfer he is not recalled by the managers, he must remain in State prison during the balance of the longest sentence that might have originally been imposed upon him. The law allowing a reduction of the time of imprisonment for good conduct is not applicable to his case.

"On application to the prison at Auburn, I learn that since the reformatory was established, and up to the 6th day of December, 1883, seventy-five persons who had originally been sent to the reformatory were transferred under the conditions above stated to the Auburn State prison. Of these fifteen have been allowed to serve in prison the longest sentence that could have been pronounced for their crime; one was discharged by order of the managers of the reformatory; one was transferred to Clinton prison; four were transferred to the Asylum for Insane Criminals (one of whom was subsequently returned to prison); two died; one was recalled to the reformatory, and fifty-two still remained in the prison. How many of these were sent to the State prison by the managers because, in their view, they were 'apparently incorrigible prisoners, whose presence in the reformatory appears to be seriously detrimental to the well being of the institution,' is not reported, but it is safe to say that a large proportion were consigned to prison on that allegation. The prisoner thus transferred, who was sentenced to the reformatory, in mercy, to avoid the stigma of a sentence to prison, and for purposes of reform, because he had maintained theretofore a good reputation and standing in society, may meet at the door of the prison his accomplice in the crime committed, who, having made no pretense of character or respectability, has served the sentence to prison pronounced upon him by the court. The worst and most hardened criminals, if originally sent to prison, earn, by good conduct, a considerable reduction of imprisonment, but the convict from the reformatory has no such thing to hope or strive for. In my opinion there should be no power vested in the Board of Managers of this institution to send persons committed to their care to the State prisons; and if convicts are sentenced to the reformatory, the courts should exercise the greatest care to be satisfied that they are promising subjects for reformatory efforts, and fix a term beyond which they cannot be confined. A release before the time thus fixed might well be offered as a reward for improvement, reform or good conduct.

"The law in relation to the reduction for good behavior of the terms of convicts in State prison should be made more plain and definite, and the power of the prison authorities to refuse such reduction be more exactly defined."

A few months subsequently to this message the Governor decided, upon a careful examination of the statute on the subject of commutation that he had the right to extend commutation to the reformatory transfers. He immediately ordered the discharge of six who, under his view of the statute, were entitled to be so discharged, and filed the following reasons for his action:

These convicts having been originally sentenced to the New York State Reformatory, no limit was fixed by the court to the term of their imprisonment. But by the provisions of the statute relating to this institution, such convicts may be discharged by the managers, under certain conditions; and, in case the discretion thus vested in the managers is not exercised, convicts committed to the reformatory may be imprisoned therein for the longest term provided by law as a punishment for the offense of which they were convicted.

Of course, the intention of the law was that persons convicted of crime, whose youth, or freedom from criminal habits and associations, gave promise of reformation, should not be classed and kept with old and hardened criminals, but should be committed to the reformatory, where they might receive instruction and encouragement, and that their discharge within the limit which the law had fixed for their crime should be dependent upon the progress they made toward reformation.

But it is also provided that the managers of this institution may, in certain cases, transfer prisoners to a State prison, where, unless they are recalled to the reformatory, they are kept the balance of the longest term for which they might have been sentenced to prison.

This I consider entirely wrong. If a convict is to be confined in a State prison, the criminal courts should fix his term; and the discretion which may be, in such cases, exercised by the courts, should not be abridged nor vested in the managers of the reformatory.

And, to add to this injustice and this anomalous method of administering the criminal law, it has thus far been held, I believe, that the provisions of the statute relating to reduction of a prisoner's term for good conduct does not apply to such convicts as are transferred from the reformatory to the prisons.

The result is that an old offender, of previous bad character, is frequently sent to prison by the court, for a term much less than the longest time allowed by law, and, through good conduct in prison, can earn considerable commutation of his sentence ; while a young man, convicted of his first offense, with good character and respectable surroundings, sent by the court to the reformatory, for imprisonment and reform, may be doomed by the managers of this institution to finish the longest term which his offense permits in the State prison, with no commutation for the most exemplary conduct.

The least that should be done for convicts transferred under the present law from the reformatory to prison is to allow them for good conduct in prison the same commutation on the remainder of the term for which they might be confined, dating from the day of their transfer, that they would be entitled to if that was the beginning of an original sentence to prison. I think the statute in relation to commutations for good conduct in prison permits this. If it does not, it ought to, and I am glad that I have the power, in any event, to rectify such wrongs, by the interposition of a special commutation.

The conduct of the six convicts above mentioned so transferred from the New York State reformatory to Auburn prison is reported by the warden of the latter institution to be good.

Making the deductions from their terms, which I believe them to have earned, all are now entitled to be discharged except two, whose terms, under the rule adopted, will respectively expire on the sixth and eighth days of the present month.

I cannot now do what I regard full justice to all these convicts, but I have determined to approximate it as nearly as possible by commuting their terms to the eighth day of March, 1884, which is probably as early as the necessary documents can be perfected and forwarded.

As to Pardons.

With respect to pardons, he has exercised a wise discretion, and he has been the first Governor since the time of Hoffman to set forth in writing his reasons to accompany the pardon. There is reason to believe that this practice, so entirely right, has given birth to the idea that he exercised this power in a most lavish manner. To state exactly the fact, and to show exactly how his record in this matter stands in comparison with his predecessors, the following table is presented :

A Comparative Statement.

	ACTS OF CLEMENCY.	APPLICATIONS.	PER CENT.
Governor Fenton, 1865	153	278	55
Governor Fenton, 1866	194	452	42
Governor Fenton, 1867	142	440	32
Governor Fenton, 1868	153	400	38
Governor Hoffman, 1869	108	298	36
Governor Hoffman, 1870	120	400	30
Governor Hoffman, 1871	118	344	34
Governor Hoffman, 1872	157	600	26
Governor Dix, 1873	55	242	22
Governor Dix, 1874	95	362	26
Governor Tilden, 1875	100	350	28
Governor Tilden, 1876	160	456	35
Governor Robinson, 1877	111	380	29
Governor Robinson, 1878	174	402	43
Governor Robinson, 1879	211	492	42
Governor Cornell, 1880	56	226	24
Governor Cornell, 1881	19	180	10.34
Governor Cornell, 1882	20	126	15
Governor Cleveland, 1883	57	290	19
Governor Cleveland, 1884, to July 16	34	237	14.33

The above table shows that up to the date of writing Governor Cleveland's percentage of pardons upon the applications made is less than that of any of his predecessors, and the actual number less than his six predecessors, except the one who immediately preceded him.

Reasons Given.

In each case of a pardon granted, his reasons, as was remarked above, set forth in writing, have accompanied them. These have never been questioned as not being sufficient and good. Not a few have been granted for the reason that the convict had but a few days to live ; others that a re-examination of the case has shown that ends of justice have been served in the term of imprisonment already undergone ; others upon the ground that being improperly defended, the prisoner had been convicted of a degree of crime of which he was not guilty, and had already served the term, which is the penalty of the degrees of crime of which he was really guilty. Justice, hand in hand with humanity, have been the advisers of the Governor in the exercise of the pardoning power.

The Governor's record upon convict contract labor, and upon child contract labor, having already been presented as part of his record upon the labor question, will not be repeated here.

Charities.

Governor Cleveland has had frequent occasion to consider and discuss the important subject of charities, and has invariably exhibited a keen sensibility to the sufferings of the unfortunate, and a hearty desire to relieve their distress. In his annual message for 1884 he thus reviewed the operations of the public charities of the State of New York :

“ Some attention given to the system of supervision of the charitable and reformatory institutions of the State convinces me that it might be much improved.

“ The State Board of Charities is vested with the power of visitation and examination, and is required to report the condition of the institutions visited, which include all the charitable and correctional institutions in the State.

“ The State Commissioner in Lunacy is authorized and directed to examine into and report annually to the Legislature the condition of the insane and idiotic in the State, and the management and conduct of the asylums and institutions for their care and treatment.

“ The boards of trustees or managers of all the charitable and correctional institutions have generally the control of their business and internal management

“ The superintendents hold their positions under the boards of trustees, and are supposed to devote their attention to the care of the inmates of the institution.

“ The Board of Charities is composed of most estimable men and women, who receive no compensation for their services, but devote all the time to the performance of their duties that can reasonably be expected, and their labors are undeniably valuable. Their powers are advisory in their nature, and their recommendations are often unheeded.

“ The powers and duties of the State Commissioner in Lunacy, so far as the institutions for the insane and idiotic are concerned, are nearly identical with those of the Board of Charities ; and unfortunate questions have arisen from this condition.

“ The visitations of the Board of Charities, as well as the Commissioner in Lunacy, are necessarily infrequent, and the information they gain of the actual management of the institutions quite general and imperfect.

“ The local board of trustees gratuitously perform the duties they have assumed, and, while not unfaithful, can hardly be expected to devote time very constantly to the details of management. They very naturally gain much of their information from the statements of the superintendent in charge.

“ A recent investigation by a committee of the managers of the Western House of Refuge, where delinquent boys and girls are sent for reform and instruction, satisfied the committee that for months the by-laws and regulations of the institution relating to the punishment of inmates had been violated ; that the boys there confined had been beaten, abused and assaulted in the most outrageous manner by the attendants and subordinates in charge, and the funds of the institution had not been sufficiently protected.

"It is assumed that neither the Board of Charities nor the local board of trustees had any knowledge of these things until they were exposed by the investigation ; and the superintendent testifies that he was entirely ignorant of the instances of cruelty established by the testimony.

"A system which permits this condition of things is evidently defective.

"The time will never come when the humane sentiment of the people will approve the cruel treatment or the neglect of the unfortunate, or even criminal, inmates of these institutions ; and their usefulness depends upon giving no occasion for the growth of a suspicious and unreasoning belief that their benevolent purposes are lost or perverted. That system of management is, therefore, manifestly best which most nearly satisfies the public that it is conducted with due regard to justice and forbearance."

While he was Mayor of Buffalo his attention was drawn to the perils of children wandering through the streets by night, and he addressed the Common Council as follows :

Perils of Children.

BUFFALO, June 5, 1882.

"My attention has been called, by a committee from the Society for the Prevention of Cruelty to Children, to the number of small boys and girls found upon our streets at late hours in the night.

"I have reason to believe that many of these children are allowed, and some are obliged, by their parents, to thus remain in the streets for the ostensible purpose of earning money by selling newspapers or blacking boots. In truth, however, after a certain hour in the evening, the most, if not all the money they receive, they obtain by begging or by false pretenses. In the meantime, they are subjected to worst influences, leading directly to profligacy, vagrancy and crime.

"The importance of caring for children who are uncared for by their natural guardians, or who are unmindful of parental restraint, must be apparent to all. In the future, for good or evil, their influence will be felt in the community ; and certainly the attempt to prevent their swelling the criminal class is worth an effort.

"It seems to me that no pretext should be permitted to excuse allowing young girls to be on the streets at improper hours, since the result must necessarily be their destruction.

"The disposition of the boy (child though he be) to aid in his own support or that of others, in an honest, decent way, ought not to be discouraged. But this does not call for his being in the street at late hours, to his infinite damage morally, mentally, and physically, and to the danger of society.

"I respectfully suggest that this subject be referred to the Committee on Ordinances and the Attorney, and that a committee from the Society for the Prevention of Cruelty to Children be invited to co-operate with them in an effort to rame an ordinance which will remedy the evil herein considered.

"GROVER CLEVELAND, Mayor."

The Catholic Protectory.

In the year 1883 the Governor found it necessary to withhold his approval from an appropriation for the Catholic Protectory, upon the ground that the expense of maintaining destitute children there was properly chargeable upon the treasury of the City of New York. This Protectory is a local institution open to children committed by the courts in New York City only. All knowing these facts agree that there is a reasonable doubt as to the propriety of other cities and counties, which have no benefit, being taxed to contribute to its support.

Some criticism upon this veto was expressed by those ignorant of the purely public considerations which influenced the Governor, who, in his appointments and personal friendships has shown his absolute freedom from all sectarian prejudice. To such criticism a ready answer has been given by gentlemen who are officers of the Protectory, in the following letter :

"Mr. Daniel Manning, *Chairman New York Delegation, Chicago, Ill.* :

"We never doubted the sincerity of the motives which induced Governor Cleveland to withhold his signature to the appropriation to the Protectory. We thought then, and think now, that he was not actuated by any feeling of bigotry, or of hostility to Catholics or to Catholic institutions. On the contrary, Governor Cleveland is liberal in the extreme, and we are of the firm belief that he was led to withholding his approval of the appropriation solely by a sense of public duty as he viewed it.

"HENRY L. HOGUET,
President of the Protectory.
"JOHN E. DEVELIN,
Legal Adviser to the Protectory."

Grover Cleveland and the Catholics.

[*Fort Wayne, Ind., Sentinel.*]

The Sentinel takes pleasure in laying before its readers a personal letter from the Hon. Thos. V. Welch, member of the Assembly of New York, in reply to the inquiries made by Mr. Charles A. Walter, a well-known merchant of Huntington, and president of the Young Men's Cleveland and Hendricks' club at that place. Mr. Walter is an ardent Catholic, and wrote Mr. Welch in order that he might know the truth. We ask a careful reading of it from all, Catholics and Protestants :

Niagara Falls, July 16, 1884.

Mr. Charles A. Walter, Huntington, Ind.:

Dear Sir—In reply to the inquiries made in your letter of July 14, I wish to state :

1st. Grover Cleveland is not a bigot in any sense of the word. He is a fair minded man, and we, who are his neighbors, know of no instance in which he has antagonized the Catholic church.

2d. Since Grover Cleveland has been Governor I have been a member of the Legislature. I know of no official act of his that would indicate hatred on his part toward the Catholic church. On the contrary, I could mention many instances of friendly action on his part.

3d. The letter published in the *Buffalo Courier* of July 1, over my signature, is genuine, and I here reiterate every statement made therein.

4th. Governor Cleveland did *not* veto the "freedom of worship" bill. The bill did not pass the Legislature, and never came before Governor Cleveland for his action.

5th. Governor Cleveland did veto an appropriation for a Catholic protectory in this State, for constitutional reasons. I voted for the appropriation referred to, but upon reading Governor Cleveland's veto message, I am convinced that he was justified in his action. The constitution of our State allows such appropriations only for State institutions. It is admitted that the institution in question is not a State institution.

Governor Cleveland is a hard-working, conscientious public officer, thoroughly independent, thoroughly Democratic and thoroughly American. As such he is justly entitled to the support of every Democrat, Catholic and non-Catholic alike.

As an earnest advocate of Grover Cleveland, permit me to add that I was a delegate to the first convention of the Irish National Land League, at Buffalo, being at that time president of the branch at this place. I am a member of St. Mary's Catholic Church, and of Branch No. 1 of the Catholic Mutual Benefit Association, and I am at present the president of the Niagara Falls Catholic Total Abstinence and Literary Society.

Very sincerely yours,
Thomas V. Welch,
Member of Assembly, Niagara County, N. Y., 1883 and 1884.

Letter of Mr. Welch, above referred to, published July 1:

To the Editor of the Buffalo Courier:

I notice with regret that some persons in the Democratic party of the State of New York who oppose the nomination of Governor Cleveland for President, are endeavoring to create a false impression by grossly misrepresenting his position toward the Catholic Church. As a Catholic and a member of the Legislature during the last two years I cannot recall any act or any omission of Governor Cleveland that would in the slightest degree justify any such impression. On the contrary, Governor Cleveland always treated Catholics and Catholic interests precisely as he did the members of other religious bodies and their religious interests, fairly and justly, according to their merit; and I believe that to be as much as any sensible Catholic expects or desires. Having served upon the Committee of Ways and Means of the Assembly during the sessions of 1883 and 1884, and in the discharge of official duties having had frequent occasion to know that no man is more free from bigotry or more broad and comprehensive in his religious views than Governor Cleveland, I, as a sincere and practical Catholic, under the existing circumstances deem it my duty to co-religionists to make a public statement of my absolute knowledge of that fact.

THOMAS V. WELCH,
Member of Assembly, Niagara County.

NIAGARA FALLS, June 26, 1884.

To this refutation of suggested bias on the part of Governor Cleveland against any religious faith, may be here added a denial of the statement that he vetoed a bill to secure freedom of worship to inmates of charitable institutions. No such bill ever came before him, the untrue report to the contrary doubtless arising from the fact that his Republican predecessor, Governor Cornell, did veto such a bill on June 11, 1881.

Liberality of Views.

On the contrary, the liberal disposition of Governor Cleveland was shown in his approval, in 1884, for the first time by any Governor, of an item of $1,500 in the supply bill for the special employment and payment of Catholic clergy ministering to convicts in the prisons under the exclusive control of the State.

Indeed, in all cases of official action concerning charitable or religious bodies, Governor Cleveland has submitted himself to the principle which has everywhere controlled him as a public officer, and has asked: "*What are my powers as the servant and agent of the whole people?*" And as a public officer, he has felt unable to assent to the disposition of public moneys for any purpose not strictly public. As a private citizen, giving from his own limited means, no just or worthy charity, whatever its religious affiliation, has found him indifferent. Himself a poor boy and not a rich man, he has known and appreciates the needs of the poor. A further refutation of the charge referred to is found in Governor Cleveland's appointments of John D. Kernan, Railroad Commissioner; John A. McCall, Superintendent of the Insurance Department; James Shanahan, Superintendent of Public Works, to three leading positions in the State Government, and other prominent Irish-Americans to offices of honor.

Public Moneys to be Used only for Public Purposes.

Governor Cleveland has so rigorously, so uniformly and so openly declared the limitation upon the powers of public officers administering public funds, as to become a standing discouragement to assailants of the public treasury for private purposes. His supporters will not be found among those who seek merely an appropriation. They will undoubtedly be repelled by the unbroken series of his public utterance.

In accepting the nomination as Mayor of Buffalo, he said :

"I believe much can be done to relieve our citizens from their present load of taxation, and that a more rigid scrutiny of all public expenditures will result in a great saving to the community. I also believe that some extravagances in our city government may be corrected without injury to the public service. There is, or there should be, no reason why the affairs of our city should not be managed with the same care and the same economy as private interests. And when we consider that public officials are the trustees of the people and hold their places and exercise their powers for the benefit of the people, there should be no higher inducement to a faithful and honest discharge of public duty."

In his first message as Mayor of Buffalo, he said :

"We hold the money of the people in our hands to be used for their purposes and to further their interests as members of the municipality ; and it is quite apparent that, when any part of the funds which the taxpayers have thus intrusted us, are diverted to other purposes, or when by design or neglect, we allow a greater sum to be applied to any municipal purpose than is necessary, we have to that extent violated our duty. There surely is no difference in his duties and obligations, whether a person is intrusted with the money of one man or many. And yet it sometimes appears as though the office-holder assumes that a different rule of fidelity prevails between him and the taxpayer than that which should regulate his conduct when, as an individual, he holds the money of his neighbor.

"It seems to me that a successful and faithful administration of the government of our city may be accomplished by constantly bearing in mind that we are the trustees and agents of our fellow-citizens, holding their funds in sacred trust, to be expended for their benefit ; that we should at all times be prepared to render an honest account of them touching the manner of their expenditure ; and that the affairs of the city should be conducted, as far as possible, upon the same principles as a good business man manages his private concerns."

Exercise of the Public Trust.

In the veto of a claim of certain officers for payment for extra services, while the charter forbade extra compensation, he said :

"By the terms of the resolution itself it appears that the extra services performed were fairly embraced in the official duties of the persons performing them. To examine the books and to restore order to the records of the office, was, as it seems to me, peculiarly the business of the claimants.

"If the work could not be done in the regular discharge of their duties, additional clerks might have been employed ; but they having elected to do the work themselves, they must now be regarded as standing in the attitude of claimants for extra compensation 'for the performance of duties which really pertain to the business of their offices or positions.'

"However meritorious these claims may be, their allowance by the city seems to be prohibited by law. I cannot, therefore, assent to their payment."

His willingness to contribute from his own pocket to objects meritorious, though not public, rather than to exhibit that easy charity which gives away public moneys, is admirably exhibited in the following message sent by him as Mayor of Buffalo :

BUFFALO, May 8, 1882.

"At the last session of your honorable body a resolution was adopted directing the City Clerk to draw a warrant for five hundred dollars in favor of the secretary of the Firemen's Benevolent Association.

"This action is not only clearly unauthorized, but it is distinctly prohibited by the following clause of the State Constitution :

"'No county, city, town or village shall hereafter give any money or property or loan its money or credit to, or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in or bonds of any association or corporation ; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purpose.'"

"At the same meeting of your honorable body the following resolution was passed:

"'That the City Clerk be and he is hereby directed to draw a warrant on the 4th of July fund for five hundred dollars, to the order of J. S. Edwards, chairman of the Decoration Day Committee of the Grand Army of the Republic, for the purpose of defraying the expenses attending a proper observance of Decoration Day.'

"I have taxed my ingenuity to discover a way to consistently approve of this resolution, but have been unable to do so.

"It seems to me that it is not only obnoxious to the provisions of the constitution above quoted, but it also violates that section of the charter of the city which makes it a misdemeanor to appropriate money raised for one purpose to any other object. Under this section I think money raised 'for the celebration of the 4th of July and the reception of distinguished persons' cannot be devoted to the observance of Decoration Day.

"I DEEM THE OBJECT OF THIS APPROPRIATION A MOST WORTHY ONE. THE EFFORTS OF OUR VETERAN SOLDIERS TO KEEP ALIVE THE MEMORY OF THEIR FALLEN COMRADES CERTAINLY DESERVES THE AID AND ENCOURAGEMENT OF THEIR FELLOW-CITIZENS. WE SHOULD ALL, I THINK, FEEL IT A DUTY AND A PRIVILEGE TO CONTRIBUTE TO THE FUNDS NECESSARY TO CARRY OUT SUCH A PURPOSE. AND I SHOULD BE MUCH DISAPPOINTED IF AN APPEAL TO OUR CITIZENS FOR VOLUNTARY SUBSCRIPTIONS FOR THIS PATRIOTIC OBJECT SHOULD BE IN VAIN.

"BUT THE MONEY SO CONTRIBUTED SHOULD BE A FREE GIFT OF THE CITIZENS AND TAXPAYERS, AND SHOULD NOT BE EXTORTED FROM THEM BY TAXATION. THIS IS SO, BECAUSE THE PURPOSE FOR WHICH THIS MONEY IS ASKED DOES NOT INVOLVE THEIR PROTECTION OR INTEREST AS MEMBERS OF THE COMMUNITY, AND IT MAY OR MAY NOT BE APPROVED BY THEM.

"The people are forced to pay taxes into the city treasury only upon the theory that such money shall be expended for public purposes, or purposes in which they all have a direct and practical interest.

"The logic of this position leads directly to the conclusion that, if the people are forced to pay their money into the public fund and it is spent by their servants and agents for purposes in which the people as tax-payers have no interest, the exaction of such taxes from them is oppressive and unjust.

"I cannot rid myself of the idea that this city government, in relation to the tax-payers, is a business establishment, and that it is put in our hands to be conducted on business principles.

"This theory does not admit of our donating the public funds in the manner contemplated by the action or your honorable body.

"I deem it my duty, therefore, to return both of the resolutions herein referred to, without my approval."

In support of his message Mayor Cleveland headed a subscription for the purpose with a liberal sum, and, with a hearty co-operation of citizens approving his action, the desired fund was raised promptly without resort to public moneys.

This veto and contribution by Mayor Cleveland elicited universal approval, the leading Republican journal (*The Buffalo Express*), saying:

A whole volume of sound sense and just principles of municipal government will be found condensed in a brief veto sent to the council yesterday by Mayor Cleveland. It is refreshing to read the message. Appropriations of the public funds must not be made except in accordance with law. Safeguards provided by the Constitution and the charter must be respected. The money raised by taxation must not be diverted from its legitimate objects. However worthy the sentiment recognized in any misappropriation, justice, not generosity must prevail. When the council wrongfully votes away the people's money there is no credit in the act, because the money, having been extorted from the people, is not a free gift from that body. The city government is a business establishment, and must be conducted on business principles. All these golden rules are laid down in disapproving a vote of $500 for Decoration Day—a small sum for a worthy object; but, as the Mayor shows, it is not for the amount of the appropriation nor the merit of it, but the principle involved, which must be considered. Private bounty ought to be equal to such a call; and then to prove that he thinks so, Mr. Cleveland privately contributes one-tenth of the whole sum needed, thus supplementing excellent principle by liberal example.

A Famous Utterance.

The most famous of his utterances upon this subject, and that in knowledge of which a few months later he was nominated and elected to be Governor of New York, was his celebrated check upon an extravagant contract for cleaning the streets of Buffalo, which was as follows:

"BUFFALO, June 26, 1882.

"I return without my approval the resolution of your honorable body, passed at its last meeting, awarding the contracts for cleaning the paved streets and alleys of the city for the ensuing five years to —— at his bid of four hundred and twenty-two thousand and five hundred dollars.

"The bid thus accepted by your honorable body is more than one hundred thousand dollars higher than that of another perfectly responsible party for the same work; and a worse and more suspicious feature in this transaction is that the bid now accepted is fifty thousand dollars more than that made by —— himself within a very few weeks, openly and publicly to your honorable body, for performing precisely the same services. This latter circumstance is to my mind the manifestation on the part of the contractor of a reliance upon the forbearance and generosity of your honorable body, which would be more creditable if it were less expensive to the tax-payers.

"I am not aware that any excuse is offered for the acceptance of this proposal, thus increased, except the very flimsy one that the lower bidders cannot afford to do the work for the sums they name.

"This extreme tenderness and consideration for those who desire to contract with the city, and this touching and paternal solicitude lest they should be improvidently led into a bad bargain is, I am sure, an exception to general business rules, and seems to have no place in this selfish, sordid world, except as found in the administration of municipal affairs.

"The charter of your city requires that the Mayor, when he disapproves any resolution of your honorable body, shall return the same with his objections.

"This is a time for plain speech, and my objection to the action of your honorable body now under consideration shall be plainly stated. I withhold my assent from the same, because I regard it as the culmination of a most barefaced, impudent and shameless scheme to betray the interests of the people and to worse than squander the public money.

"I will not be misunderstood in this matter. There are those whose votes were given for this resolution whom I cannot and will not suspect of a willful neglect of the interests they are sworn to protect; but it has been fully demonstrated that there are influences, both in and about your honorable body, which it behooves every honest man to watch and avoid with the greatest care.

"When cool judgment rules the hour, the people will, I hope and believe, have no reason to complain of the action of your honorable body. But clumsy appeals to prejudice or passion, insinuations, with a kind of low, cheap cunning, as to the motives and purposes of others, and the mock heroism of brazen effrontery which openly declares that a wholesome public sentiment is to be set at naught, sometimes deceives and leads honest men to aid in the consummation of schemes which, if exposed, they would look upon with abhorrence.

"If the scandal in connection with the street-cleaning contract, which has so aroused our citizens, shall cause them to select and watch with more care those to whom they intrust their interests, and if it serves to make all of us who are charged with official duties more careful in their performance, it will not be an unmitigated evil.

"We are fast gaining positions in the grades of public stewardship. There is no middle ground. Those who are not for the people either in or out of your honorable body are against them, and should be treated accordingly.

"GROVER CLEVELAND,
"Mayor."

In view of such expressions and actions as these, the leading Republican newspaper of Buffalo, now supporting the Republican ticket, was led to say upon the day succeeding Governor Cleveland's resignation as Mayor, that "yesterday Buffalo lost the best Mayor she ever had."

Elected upon this record to the high office of Governor, public expectation demanded of him as Governor a continuance of his course as Mayor. This sentiment, everywhere felt, was enthusiastically expressed by the Hon. Roswell P. Flower, upon the night of the election of 1882, when, in public speech, he said:

> "This victory is the voice of the people speaking in thunder tones. What does it mean? * * * It says to Grover Cleveland: 'We will inaugurate you; we expect you to faithfully carry out the platform of your party. If you give us the strict accountability of officials; pure civil service; purity of elections; if you use your office as you would a private trust, and the moneys as trust funds; if you faithfully perform your duty, we, the people, may put you in the presidential chair.'"

In administration of this high office, Governor Cleveland has come fully up to the line marked out for him, and has fitly continued the course commenced at Buffalo.

Outlining his Policy as Governor.

His first message to the Legislature concluded in these words:

> "Let us enter upon the discharge of our duties, fully appreciating our relations to the people, and determined to serve them faithfully and well. This involves a jealous watch of the public funds, and a refusal to sanction their appropriation except for public needs. To this end all unnecessary offices should be abolished, and all employment of doubtful benefit discontinued. If to this we add the enactment of such wise and well considered laws as will meet the varied wants of our fellow-citizens and increase their prosperity, we shall merit and receive the approval of those whose representatives we are, and with the consciousness of duty well performed, shall leave our impress for good on the legislation of the State."

Within a few weeks after this he was called upon to consider again almost the same question as that treated in his veto message of the Decoration Day appropriation in Buffalo in 1882. That message, which had been widely published, preceded his election as Governor by an unparalleled majority. His established position, thus accepted and approved by the people, could not be abandoned simply because he had entered a new sphere of action. Chosen because esteemed capable to strictly administer the laws, he could not, even upon the inspiration of a patriotic sentiment, desert the principle of rigid application of public funds to govermental purposes, and he therefore hewed straight to the line of strict accountability already marked out by him and for him, and sent to the Assembly the following communication:

"STATE OF NEW YORK, EXECUTIVE CHAMBER,
"ALBANY, February 12, 1883.

"*To the Assembly:*

"Assembly bill No. 88, entitled 'An act authorizing the Board of Supervisors of Chautauqua county to appropriate money for the purchase of lands upon which to erect a soldiers' and sailors' monument," is herewith returned without approval.

"It is not an agreeable duty to refuse to give sanction to the appropriation of money for such a worthy and patriotic object; but I cannot forget that the money proposed to be appropriated is public money to be raised by taxation, and that all that justifies its exaction from the people is the necessity of its use for purposes connected with the safety and substantial welfare of the tax-payers.

"The application of this principle furnishes, I think, a sufficient reason why this bill should not be approved.

"I am of the opinion, too, that the appropriation of this money by the Board of Supervisors would constitute the incurring of an indebtedness by the County to be thereafter met by taxation. If this be true, the proposed legislation is forbidden by section eleven of article eight of the Constitution, which provides that no county, city, town or village shall be allowed to incur any indebtedness except for county, city, town or village purposes.

"Before this prohibition became a part of the Constitution, a statute was passed permitting monuments to be erected to fallen soldiers at the expense of the inhabitants of the county within which they were located; but the expenditure of money raised by taxation for such a purpose was only allowed when especially sanctioned by the vote of a majority of all the electors of the county. In the bill under consideration the taxpayers are not permitted to be heard on the subject.

"It is thus evident that the legislation proposed guards less the rights and interests of the people than the statute passed before the Constitutional amendment prohibited all enactments of this description.

"I may, perhaps, be permitted to express the hope that a due regard to fundamental principles and a strict adherence to the letter and spirit of the Constitution, which furnish the limit as well as the guide to legislation, will prevent the passage of bills of this nature in the future."

Within a week, however, the Governor was obliged to veto, as violative of the same principle, a bill to authorize certain towns in Jefferson and St. Lawrence counties to relieve their railroad stocks from existing liens. Certain stock of the Black River and Morristown Railroad Company being held by certain towns, it was the design of the bill (as stated to and by the Governor),

"To use the money which under its provisions is to be raised by tax to pay certain indebtedness of the said railroad company, in the expectation that thereby a consolidation of its road with the Utica and Black River Railroad may be effected. By this means it is hoped that the stock in the Black River and Morristown Railroad Company, to which the towns mentioned have subscribed, may be made more valuable.

"I am of the opinion, that the bill if approved, would not justify such an expenditure of the money proposed to be raised.

"In this view, the legislation sought would be of no avail.

"If the bill does permit such an application of public funds, it seems to be in direct contravention of the Constitution, which provides that no town shall give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation."

Zealous Watchfulness.

His zealous watchfulness over the public funds has been not merely in respect of moneys or property already acquired, but has served to secure and preserve rights of the State to receive money, as in the case of his veto of the bill to authorize a compromise with the sureties of a defaulting debtor to the State. In that message he said as follows:

"The persons who seek to be relieved under this bill signed a bond to the State for the safe keeping and repayment on demand of certain moneys deposited in behalf of the State in the First National Bank of Buffalo.

"The bank has failed and is unable to refund the State's deposits. The securities in the bond have thus become liable to pay the money, and I can see no reason why they should be relieved.

"I am willing to do what I can to check the growing impression that contracts with the State will not be insisted upon or may be evaded. The money deposited with the bank was public money belonging to the people, and I regard it the duty of all having the care of State affairs to see to it that no part is lost by an improper indulgence to those who have agreed that it should be safely kept."

Similarly he vetoed a bill to authorize the Comptroller to sell a judgment obtained by loan commissioners. He said:

"This bill *originates* in the desire of a certain judgment creditor, to procure the judgment owned by the State, to aid him in the collection of his debt. If the judgment is of value, there seems to be no good reason why it should not be enforced for the benefit of the State in the ordinary way.

"I have full faith in the care and caution of the Comptroller; but there is no guaranty that, if this bill becomes a law, a sum will be offered for which the judgment should be transferred, in which case its enactment will be useless.

"If it is thought best to dispose of this judgment, there should be a sum fixed in the bill based upon an offer made, upon the payment of which an assignment of the same should be directed."

If to any, it may seem that such matters are unimportant, the answer is that by allowing no objectionable provision to escape attention and disapproval has Governor Cleveland established the reputation which deters attempts under any guise upon the public treasury for private ends.

In the supply bill for 1883, Governor Cleveland found twenty-seven items, aggregating $250,704.36, which he vetoed under the application of his principle to appropriate public money for necessary public purposes only.

In his second year as Governor his course has been maintained upon the high level on which he set out; though in consequence of his first year's record upon this point he has less frequently been called upon to enforce his views upon legislative attention. It is not necessary here to reproduce his second series of papers concerning this subject. Their key-note has always been the same: expenditures of public moneys must be restricted to the purposes of government.

Taxation.

Closely connected with his declarations as to public expenditure may be considered his views as to public taxation.

In his first annual message, he said:

"The imperfection of our laws touching the matter of taxation, or the faulty execution of existing statutes on the subject, is glaringly apparent.

"The power of the State to exact from the citizen a part of his earnings and income for the support of the Government, it is obvious should be executed with absolute fairness and justice. When it is not so exercised, the people are oppressed. This furnishes the highest and the best reason why laws should be enacted and executed which will subject all property, as all alike need the protection of the State, to an equal share in the burdens of taxation, by means of which the Government is maintained."

And in his second year, greatly amplifying the treatment of this subject, he thus expressed himself:

"The subject of taxation still remains a vexed question; and the injustice and discrimination apparent in our laws on this subject, as well as the methods of their execution, call loudly for relief. There is no object so worthy of the care and attention of the Legislature as this. Strict economy in the management of State affairs, by their agents, should furnish the people a good government at the least possible cost. This is common honesty. But to see to it that this cost is fairly and justly distributed and the burden equally borne by those who have no peaceful redress if the State is unjust, is the best attribute of sovereignty and the highest duty to the citizen. The recognition of this duty characterizes a beneficent government, but its repudiation marks the oppression of tyrannical power. The taxpayer need not wait till his burden is greater than he can bear for just cause of complaint. However small his tax, he may reasonably protest, if it represents more than his share of the public burden, and the State neglects all efforts to apply a remedy.

"The tendency of our prosperity is in the direction of the accumulation of immense fortunes, largely invested in personal property; and yet its aggregate valuation, as fixed for the purpose of taxation, is constantly decreased, while that of real estate is increased. For the year 1882 the valuation of personal property subject to taxation was determined at $351,021,189, and real estate at $2,432,661,379. In 1883 the assessed valuation of personal property was fixed at $315,039,085, and real estate $2,557,218,240.

"The present law permits, in the case of personal property, the indebtedness of its possessor to be deducted from its value, and allows no such deduction in favor of real estate, though it be represented by a mortgage which is a specific lien upon such real estate. Personal property, in need more than any other of the protection of the government, when discovered, escapes taxation to the extent of its owners' indebtedness, though such indebtedness is based upon the ordinary credit in the transaction of business, or is fictitious and manufactured for the temporary purpose of evading taxation. But real property, the existence of which cannot be concealed, is, in contemplation of the law, taxed according to its full valuation, though the incumbrance upon it easily divests the owner of his title, though the interest and perhaps part of the principal must, as well as the tax, annually be met, and though if sold the amount due upon this lien must always be deducted from any sum agreed upon as the price of the land.

"This statement does not necessarily lead to a deduction of the amount of any incumbrance upon real estate from its valuation for the purpose of taxation; but it does suggest that both real and personal property should be placed upon the same footing, by abolishing, in all cases, any deduction for debts. This amendment, with some others regulating the manner in which local assessors should perform their duties, would do much towards ridding our present system of its imperfections.

"If measures more radical in their nature, having for their object the exaction of taxes which are justly due, should be deemed wise, I hope their passage will not be prevented under the specious pretext that the means proposed are inquisitorial and contrary to the spirit of our institutions. The object is to preserve the honor of the State in its dealing with the citizen, to prevent the rich, by shirking taxation, from adding to the burdens of the poor, and to relieve the landholder from unjust discrimination. The spirit of our institutions dictates that this endeavor should be pursued in a manner free from all demagogism, but with the determination to use every necessary means to accomplish the result."

And, viewing the position of New York in the midst of her sister States, he concluded:

"The State of New York largely represents within her borders the development of every interest which makes a nation great. Proud of her place as leader in the community of States, she fully appreciates her intimate relations to the prosperity of the country; and justly realizing the responsibility of her position, she recognizes, in her policy and her laws, as of first importance, the freedom of commerce from all unnecessary restrictions. Her citizens have assumed the burden of maintaining at their own cost and free to commerce, the waterway which they have built, and through which the products of the great West are transported to the seaboard. At the suggestion of danger she hastens to save her northern forests, and thus preserve to commerce her canals and vessel-laden rivers. The State has become responsible for a bureau of immigration, which cares for those who seek our shores from other lands, adding to the nation's population and hastening to the development of its vast domain; while at the country's gateway a quarantine, established by the State, protects the nation's health.

"Surely this great commonwealth, committed fully to the interests of commerce and all that adds to the country's prosperity, may well inquire how her efforts and sacrifices have been answered; and she, of all the States, may urge that the interests thus by her protected, should, by the greater government administered for all, be fostered for the benefit of the American people.

"Fifty years ago a most distinguished foreigner, who visited this country and studied its condition and prospects, wrote:

"When I contemplate the ardor with which the Americans prosecute commerce, the advantages which aid them, and the success of their undertakings, I cannot help believing that they will one day become the first maritime power of the globe. They are bound to rule the seas as the Romans were to conquer the world. * * * The Americans themselves now transport to their own shores nine-tenths of the European produce which they consume, and they also bring three-fourths of the exports of the New World to the European consumers. The ships of the United States fill the docks of Havre and Liverpool, whilst the number of English and French vessels which are to be seen at New York is comparatively small.

"We turn to the actual results reached since these words were written, with disappointment.

"In 1840 American vessels carried eighty-two and nine-tenths per cent. of all our exports and imports; in 1850, seventy-two and five-tenths; in 1860, sixty-six and five-tenths; in 1870, thirty-five and six-tenths; in 1880, seventeen and four-tenths; in 1882, fifteen and five-tenths.

"The citizen of New York, looking beyond his State, and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

"While he sternly demands of his own government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national treasury, which has been not less a tax because it was indirectly and surely added to the cost of the people's life.

"Let us anticipate a time when care for the people's needs, as they actually arise, and the application of remedies, as wrongs appear, shall lead in the conduct of national affairs ; and let us undertake the business of legislation with the full determination that these principles shall guide us in the performance of our duties as guardians of the interests of the State."

To the people of the Nation not less than of the State do these wise and patriotic words give assurance to the liberal and statesmanlike views of Grover Cleveland, fitted by native character and study to administer the highest public office.

Reform Legislation for New York City.

Reform in the administration of the government of New York City has been the subject of agitation for many years. Indeed, tinkering with the charters of the great cities of the State, either in the interest of or against their citizens, has occupied the time principally of successive sessions of the Legislature. But it was not until the session of 1884 that any well-considered scheme which went to the root of the evil was presented. To the furtherance of these measures Governor Cleveland gave all the aid he could, and most of them to-day are laws of the State, and those which are not—two—are not so only because they were so carelessly drafted that they defeated in themselves the purposes they sought to accomplish.

Reform Bills.

These bills are :

The bill entitled "An act to centre responsibility in the municipal government of the city of New York."

The bill entitled "An act in relation to the office of the clerk of the city and county of New York."

The bill entitled "An act in relation to the office of Surrogate of the county of New York."

The bill entitled "An action in relation to the office of the Register of the city and county of New York."

The bill entitled "An act to regulate and provide for certain expenses of conducting the office of sheriff of the city and county of New York."

The bill entitled "An act to provide for a more efficient government for the departments of Parks in the city of New York ;" and

The bill entitled "An act to fix and regulate the terms of office of certain public officers in the city of New York," more commonly known as the "Tenure of Office Bill."

This list embraces all of the bills known as the "New York Reform Bills"—seven in all, five of which were signed and two not approved, for reasons which will be given hereafter.

The Mayor's Bill.

The first of these bills is the one known variously as the "Mayor's," the "Aldermanic," or the "Mayoralty responsibility bill." It is as follows:

AN ACT to centre responsibility in the Municipal Government of the City of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All appointments to office in the City of New York, and made by the Mayor and confirmed by the Board of Aldermen, shall hereafter be made by the Mayor without such confirmation.

§ 2. This act shall take effect January 1, 1885.

The bill was promptly signed by the Governor, who filed with it the following reasons for his act:

Accompanying the Signing of the Mayor's Bill.

"EXECUTIVE CHAMBER, ALBANY, March 17, 1884.

"The interest which has been aroused regarding the merits of this bill, and quite a determined hostility which has been developed on the part of those entitled to respectful consideration, appear to justify a brief reference to the principles and purposes which seem to me to be involved in the measure, and an incidental statement of the process of thought by which I have been led to approve the same.

"The opponents of the bill have invoked the inviolability of the right of the people to rule themselves, and have insisted upon the preservation of a wise distribution of power among the different branches of government; and I have listened to solemn warning against the subversive tendency of the concentration of power in municipal rule, and the destructive consequences of any encroachment upon the people's rights and prerogatives.

"I hope I have not entirely misconceived the scope and reach of this bill; but it seems to me that my determination as to whether or not it should become a law does not depend upon the reverence I entertain for such fundamental principles.

"The question is not whether certain officers heretofore elected by the people of the City of New York shall, under the provisions of a new law, be appointed. The transfer of power from an election by the people to an appointment by other authority, has already been made.

"The present charter of the city provides that the mayor 'shall nominate, and by and with the consent of the board of aldermen appoint the heads of departments.'

"The bill under consideration provides that after the 1st day of January, 1885, 'all appointments to office in the City of New York now made by the mayor and confirmed by the board ef aldermen shall be made by the mayor without such confirmation.'

"The change proposed is clearly apparent.

"By the present charter the mayor, elected by all the people of the city, if a majority of twenty-four aldermen elected by the voters of twenty-four separate districts concur with him, may appoint the administrative officers who shall have charge and management of the city departments.

"The bill presented for my action allows the mayor alone to appoint these officers. This authority is not conferred upon the mayor now in office, who was chosen without anticipation on the part of the people who elected him, that he should exercise this power, but upon the incoming mayor who, after the passage of the act, shall be elected with the full knowledge on the part of the people, at the time they cast their votes, that they are constituting an agent to act for them in the selection of certain other city officers.

"This selection under either statute is delegated by the people. In the one case it is exercised by the chief executive acting with twenty-four officers representing as many different sections of the municipality; in the other by the chief executive alone.

"I cannot see that any principle of democratic rule is more violated in the one case than in the other. It appears to be a mere change of instrumentalities.

"It will hardly do to say that because the aldermen are elected annually, and the mayor every two years, that the former are nearer the people and more especially their representatives. The difference in their terms is not sufficient to make a distinction in their direct relations to the citizen.

"Nor are the rights of the people to self government in theory and principle better protected when the power of appointment is vested in twenty-five men, twenty-four of whom are responsible only to their constituents in their respective districts, than when this power is put in the hands of one man elected by all the people of the municipality with particular reference to the exercise of such power. Indeed, in the present condition of affairs, if disagreement arises between the mayor and the aldermen, the selection of officers by the representative of all the people might be defeated by the adverse action of thirteen representatives of thirteen aldermanic districts. And it is perfectly apparent that these thirteen might, and often would, represent a decided minority of the people of the municipality.

"It cannot be claimed that an arrangement which permits such a result is preeminently democratic.

"It has been urged that the proposed change is opposed to the principle of home rule. If it is intended to claim that the officers, the creation of which is provided for, should be elected, it has no relevancy; for that question is not in any manner presented for my determination. And it surely cannot be said that the doctrine of home rule prevents any change by the Legislature of the organic law of municipalities. The people of the city cannot themselves make such change; and if legislative aid cannot be invoked to that end, it follows that abuses, flagrant and increasing, must be continued, and existing charter provisions, the inadequacy of which for the protection and prosperity of the people is freely admitted, must be perpetuated. It is the interference of the Legislature with the administration of municipal government, by agencies arbitrarily created by legislative enactment, and the assumption by the law-making power of the State, of the rights to regulate such details of city government as are or should be under the supervision of local authorities, that should be condemned as a violation of the doctrine of home rule.

"In any event I am convinced that I should not disapprove the bill before me on the ground that it violates any principle which is now recognized and exemplified in the government of the City of New York.

"I am also satisfied that as between the system now prevailing and that proposed, expediency and a close regard to improved municipal administration lead to my approval of the measure.

"If the chief executive of the city is to be held responsible for its order and good government, he should not be hampered by any interference with his selection of subordinate administrative officers; nor should he be permitted to find in a divided responsibility an excuse for any neglect of the best interests of the people.

"The plea should never be heard that a bad nomination had been made because it was the only one that could secure confirmation.

"No instance has been cited in which a bad appointment has been prevented by the refusal of the Board of Aldermen of the City of New York to confirm a nomination.

"An absolute and undivided responsibility on the part of the appointing power accords with correct business principles, the application of which to public affairs will always, I believe, direct the way to good administration and the protection of the people's interests.

"The intelligence and watchfulness of the citizens of New York should certainly furnish a safe guaranty that the duties and powers devolved by this legislation upon their chosen representative, will be well and wisely bestowed; and if they err or are betrayed, their remedy is close at hand.

"I can hardly realize the unprincipled boldness of the man who would accept at the hands of his neighbors this sacred trust, and standing alone in the full light of public observation, should willfully prostitute his powers and defy the will of the people.

"To say that such a man could by such means perpetuate his wicked rule, concedes either that the people are vile or that self-government is a deplorable failure.

"It is claimed that because some of these appointees become members of the Board of Estimate and Apportionment, which determines very largely the amount of taxation, therefore the power to select them should not be given to the mayor. If the question presented was whether officials having such important duties and functions should be elected by the people or appointed, such a consideration might well be urged in favor of their election. But they are now appointed, and they will remain appointed whether the proposed bill should be rejected or approved. This being the situation, the importance of the duties to be performed by these officials has to do with the care to be exercised in their selection, rather than the choice between the two modes of appointment which are under consideration.

“For some time prior to the year 1872, these appointments were made by the mayor without confirmation, as is contemplated by the bill now before me. In that year a measure passed the Legislature giving the power of appointment to the common council. The chief executive of the State at that time was a careful and thorough student of municipal affairs, having large and varied experience in public life. He refused to approve the bill, on the ground that it was a departure from the principle which should be applied to the administration of the affairs of the city, and for the reason that the mayor should be permitted to appoint the subordinate administrative officers without the interference of any other authority.

“This reference to the treatment of the subject by one of my distinguished predecessors in office, affords me the opportunity to quote from his able and vigorous veto message which he sent to the Legislature on that occasion. He said:

“‘Nowhere on this continent is it so essentially a condition of good government as in the city of New York, that the chief executive officer should be clothed with ample powers, have full control over subordinate administrative departments, and so be subject to an undivided responsibility to the people and to public opinion for all errors, short comings and wrong doings by subordinate officers.’

“He also said:

“‘Give to the city a chief executive, with full power to appoint all heads of administrative departments. Let him have power to remove his subordinates, being required to publicly assign his reason.’

“He further declared:

“‘The members of the common council in New York, will exert all the influence over appointments which is consistent with the public good, without having the legal power of appointment, *or any part of it*, vested in their hands.’

“In 1876, after four added years of reflection and observation, he said, in a public address, when suggesting a scheme of municipal government:

“‘Have, therefore, no provision in your charter requiring the consent of the common council to the mayor's appointments of heads of departments; *that only opens the way for dictation by the council or for bargains.* This is not the way to get good men nor to fix the full responsibility for mal-administration upon the people's chosen prime minister.’

“These are the utterances of one who, during two terms had been mayor of the city of New York and for two terms recorder of that city; and who for four years had been Governor of the State.

“No testimony, it seems to me, could be more satisfactory and convincing.

“It is objected that this bill does not go far enough, and that there should be a rearrangement of the terms of these officers; also that some of them should be made elective. This is undoubtedly true; and I shall be glad to approve further judicious legislation supplementary to this, which will make the change more valuable and surround it with safeguards in the interests of the citizens. But such further legislation should be well digested and conservative, and, above all, not proposed for the purpose of gaining a mere partisan advantage.

“I have not referred to the pernicious practices which the present mode of making appointments in the city of New York engenders, nor in the constantly recurrring bad results for which it is responsible. They are in the plain sight of every citizen of the State.

“I believe the change made by the provisions of this bill gives opportunity for an improvement in the administration of municipal affairs; and I am satisfied that the measure violates no right of the people of the locality affected, which they now enjoy. But the best opportunities will be lost and the most perfect plan of city government will fail, unless the people recognize their responsibilities and appreciate and realize the privileges and duties of citizenship. With the most carefully devised charter, and with all the protection which legislative enactments can afford them, the people of the city of New York will not secure a wise and economical rule until those having the most at stake determine to actively interest themselves in the conduct of municipal affairs.

"GROVER CLEVELAND."

The County Clerk's Bill.

The County Clerk's bill (chap. 299 Laws of 1884) is one the object of which can be stated in a few words. It provides:

1. That hereafter, in lieu of the fees received by the county clerk estimated as high as $100,000 per year by some, the county clerk shall receive a salary of $15,000 per year.

2. That all fees heretofore collected under authority of law for the county clerk shall be accounted for and paid monthly into the treasury of the City and County of New York.

3. It fixes the amount of fees that shall be collected; and

4. Provides safeguards and penalties for the proper transaction of business.

This bill the Governor signed promptly.

The Sheriff's Bill.

The Sheriff's bill, the terms of which have in some quarters been a matter of dispute and discussion, is presented in full.

Chap. 297.

An act to regulate and provide the certain expenses of conducting the office of sheriff of the City and County of New York.

Passed May 14, 1884; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the passage of this act the Board of Aldermen of the City of New York shall cease to have or exercise any powers in regard to regulating, establishing or providing for the compensation to be paid to the Sheriff of the City and County of New York for the performance of any duties now or hereafter imposed by law upon said Sheriff.

§ 2. Within thirty days from the first day of November, eighteen hundred and eighty-four, and thereafter yearly within the same period, the sheriff of the city and county of New York shall present to the board of estimate and apportionment of said city an estimate in writing of the amounts which he deems necessary for defraying during the ensuing year those objects of expenditure connected with his said office, which are by law made a charge upon said city and county. The yearly estimate so presented by the said sheriff shall specify the aggregate of per capita amounts which he deems necessary to compensate him for filing returns of criminal convictions according to law with the secretary of state; for conveying prisoners from the city prison to the penitentiary, to the house of refuge, and to the courts of oyer and terminer and general sessions and back to prison from said courts; for the support of prisoners confined in the county jail, whether criminal or civil prisoners; for summoning jurors according to law; for the attendance of himself and his deputies at the execution of criminals, and all other expenses connected therewith, and prior to execution; and the said estimate shall specify in detail all other objects of expenditure connected with said office chargeable as aforesaid to said city and county, with the amounts which the said sheriff deems necessary for defraying the same.

§ 3. The said board of estimate and apportionment shall, in making their provisional and final estimates of the amounts requisite to meet the expenses of conducting the public business of the city and county of New York, consider the yearly estimate presented by said sheriff, and shall provide for the various objects of expenditure in said yearly estimate specified, such sums or fix such rates of payment therefor as in the judgment of said board of estimate and apportionment may deem necessary and sufficient. No expense chargeable to said city and county shall be incurred by said sheriff in excess of the amounts appropriated or rates fixed therefor by said board.

§ 4. All acts or parts of acts authorizing the board of Aldermen of the city of New York, as such board, or as the board of supervisors of the county of New York, to contract with the sheriff of said city and county for the performance of any services for said city and county, or to compensate said sheriff for any services performed by him, so far as such acts or parts of acts do grant such authority, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

This bill the Governor also signed at once.

The County Register's Bill.

The Register's bill provided:

1. That in lieu of the fees now received by the Register, he should have a salary of $12,000 per year, and

2. Regulated the fees to be charged and provided for proper turning over to the treasury of the city and county.

The Surrogate's Bill.

The Surrogate's bill provided:

1. That the office and all its appointments should be removed from the control of the Board of Aldermen.

2. Giving the absolute control to the Surrogate.

3. Fixing the fees to be charged in office of Surrogate, and

4. Providing that such fees as shall be charged be turned over monthly to the treasury of the county; and

5. Cutting down largely fees heretofore charged.

These bills, when the Governor came to examine, were in such shape that he could not sign them, their defects defeating their purpose. Fortunately they had been received in the Executive Chamber while the Legislature was yet in session, when they could yet be recalled, and when their defects could be remedied.

Consequently, the Governor addressed a message to the Assembly, where the bills originated, asking their recall and amendment, as follows:

Endeavoring to Correct Errors.

"EXECUTIVE CHAMBER, ALBANY, May 12, 1884,

"*To the Assembly:*

"I have examined Assembly bill No. 466, entitled 'An act in relation to the office of register of the city and county of New York,' and the Assembly bill No. 467, entitled 'An act in relation to the office of surrogate of the county of New York,' and I am of the opinion that both of them should be recalled for amendment. I am led to make this suggestion for the reason that these bills belong to a class of remedial measures of great importance, and from the enactment of which valuable reforms are anticipated. It is manifest that their good effect should not be jeopardized or diminished by imperfection in their form or by the omission of any provisions which tend to make them complete and effective.

"In the bill relating to the office of Register, subdivision 16 of section 4 appears to be unintelligible. The language is as follows: 'Every certificate other than that a paper for the copying of which he is entitled to a fee is a copy, twenty-five cents.'

"I suppose the intention may be expressed in the following words:

"'Every certificate other than to a paper, for the copying of which he is entitled to a fee, twenty-five cents.'

"Section five of the act provides for the giving of a bond for the faithful discharge of his duties by 'The register appointed or elected as successor to the present incumbent of that office in the city and county of New York.'

"Of course this should be made to apply to all registers hereafter elected or appointed.

"Section ten, in relation to the keeping of accounts, is in the same form, and appears to need the same amendment.

"In line nine of section five the word 'clerk' by mistake used instead of 'register' is quite an important provision.

"Sections ten and eleven both require a statement showing, among other things, 'the fees, perquisites and emoluments which the register or his assistants *shall be entitled to demand from any person* for services rendered in his or their official capacity.' There should, I think, be no such provision in the law; but, on the contrary, it should contain a positive direction to the register that he should give no credit to any person for fees, or that he should receive the same in advance and be responsible to the city and county for all fees earned by him.

"The plan of this bill is to pay to the register a salary, and have the fees of the office turned into the treasury of the city and county. This officer, thus assured of his salary, will have no personal interest in collecting the fees of his office; and the city should be protected against an accumulation of very doubtful assets comprising numerous accounts against attorneys for register's fees.

"Bill No. 467, relating to the office of surrogate, provides in its sixth section, that after the passage of this act 'the surrogate, the assistant to said surrogate, or other clerks, employees or subordinates in or attached to the office or court of surgate, shall not charge or receive *to his or their own use and benefits* or otherwise than for the benefits of said county, any fees, perquisites or emoluments for any services rendered by him or them by virtue of his or their official positions, except as provided in subdivision one of section seven of this act.

"Section seven provides that no fees, perquisites or emoluments shall be charged or received by the surrogate, or any of his assistants or subordinates, except as therein specified.

"Then follows subdivision one, which is referred to in section six, as fixing the fees that may be charged and received *to their own use* by the surrogate, and his assistants and subordinates, which is in the following words:

"1. When in a case prescribed by law, or in any other case, upon the application of a party, *he* goes to a place other than *his* office, or the court-room where he is required to hold court, in order to take testimony, *he* may charge and receive to *his* own use, ten cents for each mile for going and the same for returning."

"This is the exact language of subdivision one of section 2566 of the Code of Civil Procedure. But by that section the mileage allowed is confined to the surrogate alone, and not to any assistants or subordinates. It was evidently intended to apply to counties embracing a large area, and to cases when the surrogate might be called upon to travel a considerable distance, involving an expense for which he should be reimbursed.

"I can see no propriety in making this application even to the surrogate of the City and County of New York; and as it may be claimed that it applies under this bill to the subordinates as well as to the surrogate, it would seem to open the door to abuses.

"I think all the provisions of the bill permitting any fees to be received by the surrogate or his subordinates, to his or their own use, should be stricken out, and that the same should be expressly prohibited.

"There should also be inserted in this bill, in my judgment, a prohibition against the surrogate giving any credit for his fees and services, and holding him responsible to the city and county for all fees earned in his office.

"I have not had an opportunity to examine the other bills in my hands, similar to those referred to, relating to the public offices in the city of New York, with such care as is necessary, to determine whether they contain similar imperfections.

"I recommend that bills Nos. 466 and 467, which are above referred to, be recalled for amendment. And in view of the near approach of the final adjournment of the Legislature, I suggest that the other bills of a like character be also recalled or carefully examined by some party familiar with the subjects they embrace, so that fatal defects shall not be discovered when it is too late for amendment.

"GROVER CLEVELAND."

These two bills were recalled and amendments made, but not in a manner which was satisfactory to anybody. However, while regretting that the amendments had not been more carefully drawn, the Governor signed the bills, and in a memorandum filed with them gave his reasons for doing so.

Defective Bills.

These bills were returned during the closing hours of the session, and about the same time also were the bills known as the "Park Commissioners' bill" and "Tenure of Office bill," sent to the Governor. At that time not less than one hundred and fifty bills were awaiting the action of the Governor, a number which was increased to four hundred upon the adjournment; consequently before the Governor could reach these bills the Legislature of 1884 had adjourned, and all opportunity to remedy errors gone.

The "Tenure of Office bill" and "Park Commissioners' bill" are presented below that their defects may be seen."

Tenure of Office Bill.

AN ACT to fix and regulate the terms of office of certain public officers in the City of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every officer, commissioner or head of department in the City of New York who shall be hereafter appointed during the term for which the present mayor of that city was elected, by said mayor, with or without confirmation by the Board of Aldermen, either to fill a vacancy for an unexpired term, or for a full term, shall hold his office until and no longer than noon on the first day of February, eighteen hundred and eighty-five, and the appointment and qualification of his successor.

§ 2. The mayor of the City of New York, to be elected at the general election in the year 1884, shall, within thirty days after the commencement of the term for which he is elected, appoint successors to each office, commission and head of department who may be appointed during the remainder of the term for which the present mayor of that city was elected and the person so appointed shall hold office for the same terms respectively that those officers, commissioners and heads of departments whom they succeed would have held office if this act had not been enacted, provided that any commissioner or head of department, appointed under the provisions of this act, shall not hold office for any longer term or period than the term of office of the mayor by whom such commission or head of department shall be appointed and thirty days thereafter.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Park Commission Bill.

AN ACT to provide for a more efficient government of the department of parks in the city of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of office of the present commissioners of the department of public parks in the city of New York, and of any of their successors who may be appointed by the present mayor of said city, shall cease and terminate on February one, eighteen hundred and eighty-five, and in their place the mayor shall, within ten days thereafter, appoint three commissioners, who shall be known as the commissioners of the department of public parks in the city of New York, and who shall succeed to all the rights, powers and duties of the present commissioners, one of whom shall serve for two years, one of whom shall serve for four years, and one of whom shall serve six years, or until removed by the mayor, at a salary of five thousand dollars a year each; and biennially thereafter the mayor shall appoint one commissioner of the department of public parks, who shall hold his office for two, four or six years, as the term of the office becoming vacant shall require, or until removed.

So reluctant was the Governor to sign the surrogate's and register's bill, with their imperfections, that he felt constrained to give the reasons which had finally induced him to give his signature to them. And in the same memoranda he gave his reasons for withholding his signature from the "Tenure of Office bill" and the "Park Commissioners' bill," all of which are presented below:

The Governor's Reasons.

State of New York,
Executive Chamber,
Albany, June 14th, 1884.

Memorandum filed with the approval of Assembly bill No. 466, entitled "An act in relation to the office of the register of the city and county of New York."

This bill, together with Assembly bill No. 467, entitled "An act in relation to the office of surrogate of the county of New York," which is also this day approved, came into my hands originally during the session of the Legislature and prior to the twelfth day of May last.

Upon examining these two bills I discovered certain defects and errors of so much importance that on the day last mentioned I addressed a message to the Assembly calling attention to the imperfections in the bills, and suggesting that they should be recalled for amendment.

This course was adopted by the Assembly and certain amendments were made, after which they were again returned to me for my approval.

I think they are still defective, in that while they oblige the city to pay certain salaries to the officers therein named, and profess to make all fees earned by them payable to the city, they permit these officers to turn over accounts against parties for whom official services are rendered instead of the fees in cash.

But, inasmuch as these deficiencies are not fatal, I waive my objections based thereon, and construe the fact that they were not remedied, though attention was particularly called to them, as proof that the Legislature differed with me as to the expediency of making a change.

Among other errors, however, which were considered by all interested of sufficient importance to make necessary the recall and amendment of these bills, was one occurring in that relating to the office of register, which limited the performance of certain important duties only to the immediate successor of the present incumbent.

In the message to the Assembly above referred to, after suggesting the recall of the bills for amendment, the following language was used:

"I am led to make this suggestion for the reason that these bills belong to a class of remedial measures of great importance, and from the enactment of which valuable reforms are anticipated. It is manifest that their good effect should not be jeopardized or diminished by imperfection in their form or by the omission of any provisions which tend to make them complete and effective."

And the message concluded in the following words:

"I have not had an opportunity to examine the other bills in my hands similar to those referred to, relating to the public offices in the city of New York, with such care as is necessary to determine whether they contain similar imperfections.

"I recommend that bills Nos. 466 and 467, which are above referred to, be recalled for amendment. And in view of the near approach of the final adjournment of the Legislature, I suggest that the other bills of a like character be also recalled or carefully examined by some party familiar with the subjects they embrace, so that fatal defects shall not be discovered when it is too late for amendment."

Notwithstanding this express warning there are two bills now in my hands which are connected in purpose and general design with those last referred to, which are so seriously imperfect that I have determined not to approve them. One of these is a Senate bill entitled "An act to fix and regulate the terms of office of certain public officers in the city of New York," which contains the same vice in an exaggerated form that caused the recall and amendment of the bill relating to the register. It absolutely makes no provision for the appointment of any officer or head of department after the immediate successors to those now in office.

And the second section provides that "the mayor of the city of New York, to be elected at the general election in the year eighteen hundred and eighty-four, shall, within thirty days after the commencement of the term for which he is elected, appoint successors to each *office*, commissioner and head of department, who may be appointed during the remainder of the term for which the present mayor of the city was elected; and the persons so appointed shall hold office for the same terms respectively that those officers, commissioners and heads of departments whom they succeed, would have held office if this act had not been enacted, provided that any commissioner or head of department appointed under the provisions of this act, shall not hold office for any longer term or period than the term of office of the mayor by whom such commissioners or head of departments shall be appointed, and thirty days thereafter."

Section third repeals all acts and parts of acts inconsistent with the provisions of this act.

It will be seen at a glance that this bill does not purport to "fix and regulate" the terms of all appointive offices, but only such as shall be appointed during the remainder of the term of the present mayor *and their immediate successors.* And it will be observed that the next mayor can only appoint successors to such officers as shall be appointed by the present mayor *during the remainder of his term.* I think the evident intention of the bill would be entirely defeated if the mayor now in office should allow the present incumbents to hold over until the expiration of their terms instead of appointing others in their places.

When the bill attempts to fix the terms of the appointees of the next mayor it would seem to provide in the same sentence for two limitatious to such terms—that is, four years from the 1st day of May, 1885, as provided by the present law, and one year and eleven months from February 1st, 1885.

I observe, too, that the last limitation only applies to "commissioners and heads of departments," the word "officers" having been omitted, though it is embraced in the other limitation.

Of all the defective and shabby legislation which has been presented to me, this is the worst and most inexcusable, unless it be its companion, which is entitled "An act to provide for a more efficient government of the department of parks in the city of New York."

This bill provides that the terms of office of the present commissioners of the department of public parks in the city of New York, and any of their successors who may be appointed by the present mayor, shall cease on the 1st day of February, 1885, and that in their place the mayor shall appoint, within ten days thereafter, three commissioners, one of whom shall serve for two years, one for four years, and one for six years; and that "biennially thereafter the mayor shall appoint *one* commissioner of the department of public parks, who shall hold his office for two, four or six years, as the term of the office becoming vacant shall require or until removed."

I confess I am utterly unable, after considerable study, to determine when the terms of any appointees after the first would terminate, or how the department could be long continued with three members, under the provisions of this bill.

In 1887 the shortest term of these officers would expire and a commissioner should be appointed. What length of time for the new commsssioner does the office becoming vacant "require?" I think the language of the bill can be most reasonably answered by making another appointment for two years. If this was done the new appointee's term would expire in 1889. But at this time the four years' term of an original appointee would also expire, making two offices to be then filled, while the mayor, by the bill, is limited to the appointment of one commissioner in that year.

If it was intended to create a commission of three members, it is entirely evident that the term of all appointees, after the first, should have been for six years.

Appreciating the litigation and the sacrifice of rights and interests which result from defective laws, I have earnestly tried, during my official term, to enforce care in their preparation. I am importuned every day to allow laws to go upon the statute book which are mischievously imperfect, but which are deemed good enough to promote the purposes of interested parties. It is not pleasant, constantly, to refuse such applications, but I conceive it my duty to do so.

Though the purposes of these bills are supposed to be in the public interest, and though their failure may be a disappointment to many, I do not see that I should allow them to breed dispute and litigation touching important public offices, and to be made troublesome precedents to encourage careless and vicious legislation.

GROVER CLEVELAND.

What the Author of the Bill says.

Soon after the publication of the Governor's reasons for withholding from the "Tenure of Office bill" his signature, Mr. Francis M. Scott, who had drawn the bill as it was originally presented—was in fact its author--addressed the following communication to the New York *Times*, entirely sustaining the position the Governor had taken :

To the Editor of the New York Times :

In view of Governor Cleveland's sharp criticism of the Tenure of Office bill, and the disposition manifested in some quarters to cavil at and belittle his reasons and question his motives, it is but fair both to the authors of the bill and to the Governor that the facts should be stated as they really are. The terms of office of the present Corporation Counsel and Commissioner of Public Works will expire in December of this year, and their successors, to be appointed by the mayor, with the consent and approval of the Aldermen, will, by the provisions of the Consolidation Act, hold office until four years from the first day of next May, and thenceforward the successive incumbents of those offices are to hold for four-year terms, commencing and ending on May first. As it was deemed to be unfortunate that the first mayor to be elected under the new municipal system inaugurated by the aldermanic bill should find all the important offices already filled for terms extending beyond his own, a bill was prepared providing that all commissioners, heads of departments, and other officers who should be appointed by the present mayor, either for a full term or to fill a vacancy, with or without confirmation by the Board of Aldermen, should hold office until the first day of February, 1885, and until their successors should be appointed, and that such successors when appointed should hold office for the terms for which those whom they succeeded would have held but for this act.

This bill as originally drawn, was entirely clear and consistent with the present charter of this city, in effect simply changing the time of appointment of the officials who are to hold until May, 1889, from December, 1884, to February, 1885, while for this appointment of their successors in 1889 the consolidation act makes ample provision, and if it had reached the Governor in this form it would, I am satisfied, have met with no adverse criticism from him. After the bill had passed the Senate and came up for a third reading in the Assembly, a member from this city who had not then displayed the cloven hoof that his subsequent course in regard to the Board of Elections bill made so apparent, offered an amendment providing that the terms of such officials as might be appointed under the bill should be limited to the term of office of the mayor making the appointment. The friends of the measure, perhaps without sufficient consideration, accepted the amendment, and the bill was passed as amended and hurriedly sent to the Senate, where the amendment was concurred in.

This amendment had the precise effect that its astute proposer probably intended that it should have, and changed the bill from a complete and consistent to an incomplete and confused one. As amended, the bill provided a twenty-three months' term for those appointed under it, and made no provision whatever for the appointment of their successors or the duration of their terms, leaving such provision to be supplied by future legislation or evolved by judicial construction out of some section of the consolidation act. It is easy for those who see grounds for the abuse of the Governor to say that he should have trusted to the next Legislature to cure any defects that he might discover in the bill, but it is clear that no careful and conscientious Executive should knowingly assent to a radically defective bill simply because he hopes that a Legislature not yet elected will see the defects and consent to rectify them.

As the draughtsman of the original Tenure of Office act, and one of the most ardent supporters, I am constrained to agree with Governor Cleveland that in the shape in which it reached him it was a very shabby piece of legislation, quite unfit to find a place in the statute book.

As to the Park Commissioners' bill, it, too, was hastily and inconsiderately amended in the course of its passage through the Legislature, and was thereby quite as effectually spoiled as was the Tenure of Office act.

FRANCIS M. SCOTT,
No. 42 Pine street.

NEW YORK, Tuesday, June 17, 1884.

The *Times* in commenting upon the letter, made this following remark :

'A correspondent favors us with an explanation of an interpolation in the so-called Tenure of Office bill which had escaped our attention, and which entirely justifies Governor Cleveland's refusal to sign it. The amendment, which provided that the terms of office of the persons to be appointed under the bill to succeed those appointed by the present Mayor should be limited by the term of the Mayor appointing them, confused its provisions and made them inconsistent with themselves and with existing law. The purpose of the amendment was evidently hostile, but it escaped the attention of the friends of the measure."

Subsequently, this same controversy having sprung up as to the Governor's motive and action in the matter, Mr. Scott, whose letter is quoted above, wrote a letter to the *Evening Post,* July 28, which will be deemed by all conclusive and unanswerable—indeed, not even an attempt has been made to answer it. It is presented below :

The Author of the Tenure of Office Bill on the Veto.

To the Editor of the Evening Post :

SIR—In his letter published in the *Evening Post* of yesterday, Mr. George Bliss argues that the Governor's objections to the Tenure of Office bill were untenable, and that even if they were sound, they applied with as much force to the bill in its original as in its amended form.

It is no part of my purpose to defend the wording of the original bill, and I shall confine myself to a consideration of it in the shape in which it reached the Executive Chamber.

The specific objections which the Governor found to the bill were :

First—That it made no provision for the appointment of any officer or head of department after the immediate successors to those now in office.

Second—That the evident intention of the bill would be entirely defeated if the Mayor now in office should allow the present incumbents to hold over.

Third—That the bill provided in the same sentence two limitations to the terms of the appointees of the next Mayor.

Colonel Bliss is quite right in saying that I had section 106 of the Consolidation Act in mind when I drafted the Tenure of Office act, and that an acquaintance with the provisions of that section is necessary to a thorough comprehension of the Governor's first and principal objection to the bill. That section provides that "every head of department and person in this section named, except as in this act otherwise provided, shall hold his office *for the term of six years,* and in each case until a person is duly appointed and has qualified in his place ; *but any person appointed after the commencement of the term as herein prescribed, shall hold only until the expiration of such term, and until a successor is duly appointed and qualified.* The terms of office of all such heads of departments and persons, *whensoever actually appointed,* shall commence on the *first day of May in the year in which the terms of office of their predecessors expire ;* but the Comptroller, Corporation Counsel, and Commissioner of Public Works to be appointed on the expiration of the terms of office of the present incumbents in December, 1884, shall hold their offices until four years from the first day of May succeeding such month."

As I pointed out in my letter published in the *Times* on June 18th, the practical effect of the original bill was simply to postpone the appointment of the next Commissioner of Public Works and Corporation Counsel from December to February, leaving their terms of office and the appointment of their successors to be regulated by the above quoted section of the Consolidation Act.

The Dayton amendment went further and undertook to regulate the terms of office of the appointees of the next Mayor, and there stopped. When would their successors take office? Apparently in May, 1887, for the Consolidation Act says that the terms of office of heads of departments and persons *whensoever actually* *appointed* shall commence on the *first day of May*, in the year in which the terms of office of the predecessors expire. But the Dayton amendment provides that no commissioner or head of department appointed under that act should hold office *for any longer term or period* than the term of office of the Mayor who appointed him and thirty days thereafter, and the usual saving clause extending the incumbency of the offices until the appointment and qualification of successors is conspicuous by its absence. The term of office of the next Mayor of this city will expire on January 1, 1887, and if the Tenure of Office act had become a law his appointees under it could have held office no longer than February 1, 1887, while by the terms of the Consolidation Act their successors, "whensoever actually appointed," could not have become invested with office until the first day of the following May, leaving the city wholly unprovided with a Corporation Counsel or Commissioner of Public Works for three months. And when appointed and invested with office, for how long would the successors of the appointees of the next Mayor have held under the Dayton amendment, taken in connection with section 106 of the Consolidation Act? Not for four years apparently, for that term is limited to the terms of the officials who are to be appointed in December, 1884. They might hold for six years, or they might be deemed to have been appointed "after the commencement of a term as prescribed" in the Consolidation Act, the term prescribed in that act running from December, 1884, to May, 1889, in which case they would hold "until the expiration of such term." Much less ambiguity has often led in the past to expensive and protracted litigation, in which the city has been called upon to foot the bills on both sides.

The Governor's second objection was that the present Mayor by neglecting to make appointments could defeat the "evident intention" of the bill.

By the "evident intention" of the bill is clearly meant the intention to make the terms of office of the appointees of the next Mayor coterminus with his own.

The Dayton *proviso* affected the terms of office only of those "appointed under this act," and the act provided only for the appointment of successors to the appointees of the present Mayor.

If the present Mayor had made no appointments, no successors *to his appointees* could have been appointed, and the whole act, *including the Dayton amendment*, would never have gone into practical effect. In such an event the next Mayor on coming into office would have found a Corporation Council and a Commissioner of Public Works holding over, and would have appointed their successors, not by virtue of the Tenure of Office act, but by virtue of section 106 of the Consolidation Act, and these appointees would have held, not until February 1, 1887, but until May 1, 1889, thus palpably defeating the "evident intention" of the Tenure of Office bill as amended by the astute Mr. Dayton.

The validity of the Governor's third objection to the bill is apparent upon its face. Its second section provides in a single sentence that the appointees of the next Mayor shall hold office for two different terms, one extending to May 1, 1889, and the other expiring on February 1, 1887. I think that every candid reader must be prepared to admit that the bill as it reached the Governor, was in truth "defective and shabby legislation," which, until amended, was not even intelligible, and I confess my surprise that one who has had so much experience in Albany as has Colonel Bliss should deem it wise or even excusable in a careful Governor to sign a defective bill in the hope and trust that it may be amended in some way before its defects produce serious results.

As Colonel Bliss has dragged Commissioner Thompson's name into his letter, I may be permitted to make one remark as to the political effect of this much discussed veto. The effort is being made to convince the public that the veto of the Tenure of Office bill was intended and calculated in some way to strengthen Governor Cleveland's political friends. Its effect is exactly the reverse. The Governor has not to-day, and had not when the bill was vetoed, any more virulent, persistent, and aggressive foes than the leaders of Tammany Hall, and yet the Mayor who is to appoint and the Aldermen who are to confirm the successors to our present Commissioner of Public Works and Corporation Counsel are absolutely controlled by this same Tammany Hall. Had the Governor been actuated by any but pure and honest motives, he would either have stricken his enemies by signing the bill or would have utilized his veto by compelling their support at the State and national conventions. That he did neither is proof sufficient that the reasons he gave for the veto were the real ones that influenced his action.

So far as Mr. Dayton's course in regard to the bill is concerned, I have never believed for an instant that he foresaw the Governor's veto. What he unquestionably desired was to kill the bill. The session was drawing to a close; many private bills were awaiting their third reading; this bill had already passed the Senate by but a bare majority, and the friends of the *original* measure could count upon just enough votes to pass it in the Assembly on a fair fight; the situation was desperate, and the only chance to defeat the bill was to send it back to the Senate with an amendment, in hope that it would either be "hung up" in a conference committee or defeated when put upon its final passage as amended. Some one suggested the very plausible amendment that was offered by Mr. Dayton, and it gained favor so rapidly that Mr. Roosevelt, to save the bill, accepted the amendment. The bill as amended was sent to the Senate before any one had time to consider its language or effect, and the amendment was concurred in before the opponents of the bill had a chance to pass the word to have the measure delayed. The scheme to defeat the bill failed, but Mr. Dayton had "builded better than he knew," and the Tenure of Office act had been hopelessly and fatally muddled and ruined.

FRANCIS M. SCOTT.

NEW YORK, July 28.

The Soldiers.

The record of Governor Cleveland shows that his interest in the soldiers who went to battle in defence of the Union is not alone confined to words. He has never failed in any respect to give such assistance to the veteran soldiers as lay in his power, either as a public official or a private citizen. It is recited in another part of this work (under the head, "The Use of Public Moneys") how, when unable to give his sanction to the use of public moneys for the erection of a soldier's monument, as the chief executive of Buffalo, he led the movement for the procurement of the funds necessary for the purpose, by heading the subscription list as a private citizen. And so he is found also jealously guarding the good fame, and what symbolizes it, of the veteran soldier, not so much by word, as by deed. When it had come to the question of caring for the maimed, the crippled, and the disabled, he has never permitted any other consideration than the entire fitness of the person to fulfil the duties of trusteeship to influence him. This is noticeable in the appointment of officers of the Soldiers' Home at Bath.

Burial of Dead Soldiers.

It is also noted in the promptness with which he signed the bill passed in 1883 (chap. 247, Laws of 1883), entitled "An act to amend chapter 203 of the Laws of 1881, entitled 'An act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine, who shall hereafter die without leaving means sufficient to defray funeral expenses.'" This bill provides as follows:

SECTION 1. It shall be the duty of the Board of Supervisors in each of the counties of this State to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the army or navy of the United States during the late rebellion, who shall hereafter die without leaving means sufficient to defray funeral expenses; but the expenses of such funeral shall not in any case exceed the sum of thirty-five dollars. In case the deceased has relatives or friends who desire to conduct the burial, and who are unable or unwilling to pay the charges therefor, then the said sum shall be paid to them or their representatives, by the county treasurer, upon due proof of the death and burial of any person provided for by this section.

§ 2. Any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot used exclusively for the burial of the pauper dead. The grave of any such deceased soldier, sailor or marine, shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served ; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as above provided for shall be a charge upon and shall be paid by the county in which the said soldier, sailor or marine shall have died ; and the board of supervisors of such county is hereby authorized and directed to audit the account and pay the expense of such burial in the same manner in which the accounts of such officers as shall be charged with the performance of such duty as above provided shall be audited and paid.

§ 3. This act shall take effect immediately.

This act which, as was stated above, was promptly signed by the Governor, was, in 1884, amended (chap. 319, Laws of 1884) so as to provide that the graves of any honorably discharged soldier, sailor or marine, who served in the war of the rebellion, and who had been buried previous to the enactment of 1883, should also be marked by a headstone by the counties in which the soldier, sailor or marine had died. This bill also the Governor promptly signed.

Soldiers Preferred in Public Employment.

The most important bill, however, signed by the Governor relating to soldiers was the one which is presented below, passed in 1884 :

CHAP. 312.

AN ACT respecting the employment of honorably discharged Union soldiers and sailors in the public service of the State of New York.

Passed May 19, 1884 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In every public department and upon all public works of the State of New York, honorably discharged Union soldiers and sailors shall be preferred for appointment and employment. Age, loss of limb or other physical impairment, which does not, in fact, incapacitate, shall not be deemed to disqualify them, provided they possess the other requisite qualifications.

§ 2. This act shall take effect immediately.

Preserving the Records of Soldiers.

In the matter of preserving correct records that the proper fame of the volunteer soldier should be transmitted to his descendants, his signature to the following bill is shown :

CHAP. 259.

AN ACT to provide for the completion of the records of New York volunteers of the war of the rebellion on file in the office of the adjutant-general of the State of New York, and for the safe keeping thereof.

Passed May 8, 1884 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The adjutant-general is hereby authorized and directed as soon as permission to do so shall have been obtained from the proper department of the general government, to cause copies to be made of all military records relating to New York volunteers in the war of the rebellion on file in the office of the adjutant-general of the United States army, and not on file in the office of the adjutant-general of this State ; and to establish as a part of his office a bureau of records of the war of the rebellion, in which all records in his office relating to said war, and the records and relics of the bureau of military statistics shall be united and kept.

§ 2. The trustees of the capitol are hereby authorized and directed to assign suitable quarters to said bureau whenever the adjutant-general shall require and make demand therefor, and to properly fit up and prepare the same for the safe keeping of said records, and the proper display of the said relics of the war of the rebellion.

§ 3. The treasurer shall pay, on the warrant of the comptroller, such sums as may from time to time be necessary to carry into effect the provisions of this act, not to exceed, however, the total sum of ten thousand dollars, on the audit of the adjutant-general and approval of the governor, which sum is hereby appropriated out of any moneys in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

Speech Before the Grand Army.

And so in the following speech is found the pride he takes in the achievements of the soldiers of the State, and the regret over the lives of her sons sacrificed in the cause:

Response of Governor Cleveland to the toast "The State of New York," at the Grand Army of the Republic Banquet, in honor of the unveiling of the Soldier's Monument at Buffalo, July 4, 1884.

I am almost inclined to complain because the sentiment to which I am requested to respond is not one which permits me to speak at length of the city which, for more than twenty-nine years has been my home. You bid me speak of the State, while everything that surrounds me and all that has been done to-day, reminds me of other things. I cannot fail to remember most vividly, to-night, that exactly two years ago I felt that much of the responsibility of a certain celebration rested on my shoulders. I suppose there were others who did more than I to make the occasion a success, but I know that I considered myself an important factor, and that when, after weeks of planning and preparation, the day came and finally passed, I felt as much relieved as if the greatest effort of my life had been a complete success.

On that day we laid the corner-stone of the monument which has to-day been unveiled in token of its completion. We celebrated, too, the semi-centennial of our city's life. I was proud then to be its chief executive, and everything connected with its interests and prosperity was dear to me. To-night I am still proud to be a citizen of Buffalo, and my fellow townsmen cannot, if they will, prevent the affection I feel for my city and its people.

But my theme is a broader one, and one that stirs the heart of every citizen of the State.

The State of New York, in all that is great, is easily the leader of all the States. Its history is filled with glorious deeds and its life is bound up with all that makes the nation great. From the first of the nation's existence our State has been the constant and generous contributor to its life and growth and vigor.

But to the exclusion of every other thought to-night, there is one passage in the history of the State that crowds upon my mind.

There came a time when discord reached the family circle of States, threatening the nation's life. Can we forget how wildly New York sprang forward to protect and preserve what she had done so much to create and build up! Four hundred and fifty thousand men left her borders to stay the tide of destruction.

During the bloody affray which followed, nearly fourteen thousand and five hundred of her sons were killed in battle or died of wounds. Their bones lie in every State where the war for the Union was waged. Add to these nearly seventeen thousand and five hundred of her soldiers, who, during that sad time, died of disease, and then contemplate the pledges of New York's devotion to a united country, and the proofs of her faith in the supreme destiny of the sisterhood of States.

And there returned to her thousands of her sons who fought and came home laden with the honors of patriotism, many of whom still survive, and, like the minstrels of old, tell us of heroic deeds and battles won, which saved the nation's life.

When our monument, which should commemorate the sufferings and death of their comrades, was begun, the veterans of New York were here. To-day they come again and view complete its fair proportions, which in years to come shall be a token that the patriotic dead are not forgotten.

The State of New York is rich in her soldier dead, and she is rich in her veterans of the war. Those who still survive, and the members of the Grand Army of the Republic, hold in trust for the State blessed memories which connect her with her dead ; and these memories we know will be kept alive and green.

Long may the State have her veterans of the war ; and long may she hold them in grateful and chastened remembrance. And as often as her greatness and her grandeur are told, let these be called the chief jewels in her crown.

Grand Army Badges.

There were two other bills relating to soldiers passed by the Legislature from which the Governor was compelled to withhold his signature. One was the bill entitled "An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State." Its provisions are as follows :

SECTION 1. Any person who shall wear the badge of the Grand Army of the Republic, or, who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a Grand Army post, duly and regularly organized, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be punished by imprisonment for a term not to exceed thirty days or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

§ 2. The fines collected under the provisions of this act shall be paid, if the complaint upon which a conviction is procured is made by the comrade of any post to the post to which such complainant belongs. If such complaint shall be made by any other person than a comrade, then to the post or to the widow or orphan child or children of any deceased comrade who at the time of his death was a member in good standing of such post as may be designated by the complainant.

§ 3. This act shall take effect on the thirtieth day of May, one thousand eight hundred and eighty-four.

The above bill is a striking instance of that looseness of legislation and carelessness in the drafting of bills for enactment against which the Governor has protested and of which he has so frequently complained. It reached him when it was too late to correct its obvious errors, and, therefore, he was compelled to let the bill die without his signature. This he did most reluctantly, for the provision which makes it a misdemeanor to wear a Grand Army badge, "to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a Grand Army post, duly and regularly organized," was praiseworthy in that it fixed a penalty to a species of false pretenses, of all others the most to be condemned, since the appeal is made to the higher patriotic impulses, while an honorable badge is degraded by the use to which it is put. For this reason the Governor, as he makes clear, would have been glad to sign the bill, but unfortunately, as the bill is drawn, the question of intent is left out of consideration entirely. The mere fact of wearing the badge is made criminal, or to use the words of the Governor :

"The wearing need not be characterized by any intent, but is criminal if not in accordance with the rules and regulations of an army post with which the wearer may be entirely unacquainted."

Again, the provisions for the disposition of the penalties to be collected on conviction of an offense against the proposed statute, as provided in section 2, are altogether too indefinite to safely have place among the penal provisions of the State, and opened up an opportunity for an improper use of them, while they certainly are against the established policy of the State in like matters.

There is still another view, and that is that a child of a soldier, having a pride in the record of the services of a deceased father in defense of the Union, and of which this badge is the token and the testimony, would, under the above provision, be prevented from manifesting that honorable pride by displaying it upon his person. The object sought to be gained by the measure is praiseworthy ; the means by which it was attempted to gain the end defeated the object and made it of doubtful utility.

Soldiers' Certificates.

The other bill was that one entitled "An act to require the Secretary of State to procure a suitable plate, to print certificates, to be presented to honorably discharged soldiers, sailors and marines who served in the Union army and navy from the State of New York."

The terms of the bill are as follows:

SECTION 1. The Secretary of State is hereby authorized and empowered to procure a suitable plate on which to print a certificate, to be presented, in the name of the State of New York, to all honorably discharged soldiers, sailors and marines who enlisted and served in the Union army and navy from the State of New York.

§ 2. The Secretary of State is hereby authorized to deliver to all honorably discharged soldiers, sailors, marines, under the great seal of the State of New York, a copy of said certificate, having the signatures of the Governor, Adjutant-General and Secretary of State.

§ 3. The Comptroller is authorized to draw his warrant on the State Treasurer, to an amount not exceeding $2,000 for the purpose of carrying out the provisions of this act.

§ 4. This act shall take effect immediately.

There could have been no possible objection to this bill if its provisions had not rendered its practical operation impossible.

1. The sum of $2,000 was ridiculously inadequate, since the cost of the plate alone would have exceeded the amount appropriated, and there is a constitutional provision which prohibits an officer from, at any time, incurring a debt.

2. The officer to have taken charge of this matter was not the Secretary of State, but the Adjutant-General, who alone is the custodian of the rolls of the volunteer soldiers.

For these reasons the Governor withheld his signature.

Grover Cleveland as a Public Officer.

In an examination of the record of Grover Cleveland as a public officer, no fact is more apparent than that the Governor has an old-fashioned regard for the duties of citizenship, and of the obligation of public officers to the people who intrusted them with power; a regard so rigid and strict as to recall the earlier days of the Republic.

That "public officials are the trustees of the people and exercise their powers for the benefit of the people," is something more than a trite utterance with Governor Cleveland; it is a sentiment deeply implanted, and exerts upon him controlling influence in the discharge of those duties with which he is intrusted, and is the standard by which he judges those who are in authority under him.

In the speech accepting the nomination for Mayor, at Buffalo, in 1881—in obedience to a call to which he responded much to his own disadvantage and, if he had considered only his personal preferences, much to his disinclination—he made this clear in the following words:

Officials the Trustees of the People.

* * * "And when we consider that *public officials are the trustees of the people, and hold their places and exercise their powers for the benefit of the people, there should be no higher inducement to a faithful and honest discharge of public duty.*

"These are very old truths; but I cannot forbear to speak in this strain to-day, because I believe the time has come when the people loudly demand that these principles shall be sincerely, and without mental reservation, adopted as a rule of conduct. And I am assured that the result of the campaign upon which we enter to-day will demonstrate that the citizens of Buffalo will not tolerate the man or the party who has been unfaithful to public trusts. I say these things to a convention of Democrats because I know that the grand old party is honest, and they cannot be unwelcome to you. Let us then in all sincerity promise the people an improvement in our municipal affairs; and if the opportunity is offered to us, as it surely will be, let us faithfully keep that promise. By this means, and by this means alone, can our success rest upon a firm foundation and our party ascendency be permanently assured. Our opponents will wage a bitter and determined warfare; but with united and hearty effort we shall achieve a victory for our entire ticket. And at this day, and with my record before you, I trust it is unnecessary for me to pledge to you my most earnest endeavors to bring about this result; and if elected to the position for which you have nominated me, I shall do my whole duty to the party; but none the less, I hope, to the citizens of Buffalo."

In an address delivered at Buffalo upon the occasion of the semi-centennial celebration of that city, July 3, 1882, when Mayor, he said:

Duties of Citizenship.

* * * "And in this our day of pride and self-gratification, there is, I think, one lesson at least, which we may learn from the men who have come down to us from a former generation. In the day of the infancy of the city which they founded, and for many years afterwards, the people loved their city so well that they would only trust the management of its affairs in the strongest and best of hands; and no man in those days was so engrossed in his own business but he could find some time to devote to public concerns. Read the names of the men who held places in this municipality fifty years ago, and food for reflection will be found. Is it true that the city of to-day, with its large population, and with its vast and varied interests, needs less and different care than it did fifty years ago?

"We boast of our citizenship to-night. *But this citizenship brings with it duties not unlike those we owe our neighbor and our God.* There is no better time than this for self-examination. He who deems himself too pure and holy to take part in the affairs of his city, will meet the fact that better men than he have thought it their duty to do so. He who cannot spare a moment in his greed and selfishness to devote to public concerns, will, perhaps, find a well grounded fear that he may become the prey of public plunderers; and he who indolently cares not who administers the government of this city will find that he is living falsely, and in the neglect of his highest duty." * * *

Good and Pure Government Necessary to Progress.

Again, in an address when laying the corner stone of the Young Men's Christian Association Building, at Buffalo, his own home, September 7, 1882, he said:

* * * "We all hope and expect that our city has entered upon a course of unprecedented prosperity and growth. But to my mind not all the signs about us point more surely to real greatness than the event which we here celebrate. *Good and pure government lies at the foundation of the wealth and progress of every community.* As the chief executive of this proud city, I congratulate all my fellow citizens that to-day we lay the foundation stone of an edifice which shall be a beautiful ornament, and, what is more important, shall enclose within it walls such earnest Christian endeavors as must make easier all our efforts to administer safely and honestly a good municipal government."

Upon assuming the wider and more responsible duties of Governor, it is found that there is no abandonment of those principles, the application of which, in the administration of the affairs of Buffalo, had made him the focus of the eyes of the State. And so is found in his first annual message to the Legislature characteristic utterances as follows:

Reform in Civil Service.

"It is submitted that the appointment of subordinates in the several State departments, and their tenure of office or employment should be based upon fitness and efficiency, and that this principle should be embodied in legislative enactment to the end that the policy of the State may conform to the reasonable public demand on that subject."

By this pledge, if it may be so termed, his subsequent administration has been governed, and it is to be noted here that he is the first to connect the public schools with the civil service, as will be seen by this extract from his annual message of 1884:

"New York then leads in the inauguration of a comprehensive State system of civil service. The principle of selecting the subordinate employees of the State on the ground of capacity and fitness, ascertained according to fixed and impartial rules, without regard to political predilections and with reasonable assurance of retention and promotion in case of meritorious service, is now the established policy of the State. The children of our citizens are educated and trained in schools maintained at common expense, and the people, as a whole, have a right to demand the selection for the public service of those whose natural aptitudes have been improved by the educational facilities furnished by the State. The application to the public service of the same rule which prevails in ordinary business of employing those whose knowledge and training best fit them for the duties at hand, without regard to other considerations, must elevate and improve the civil service and eradicate from it many evils from which it has long suffered."

Municipal Government.

"The formation and administration of the government of cities are subjects of much public interest, and of great importance to many of the inhabitants of the State. The formation of such governments is properly matter for most careful legislation.

"They should be so organized as to be simple in their details and to cast upon the people affected thereby the full responsibility of their administration. The different departments should be in such accord as in their operation to lead toward the same results. Divided counsels and divided responsibility to the people on the part of municipal officers, it is believed, gives rise to much that is objectionable in the government of cities. If, to remedy this evil, the chief executive should be made answerable to the people for the proper conduct of the city's affairs, it is quite clear that his power in the selection of those who manage its different departments should be greatly enlarged."

Primary Elections.

"The protection of the people in their primaries will, it is hoped, be secured by the early passage of a law for that purpose which will rid the present system of the evils which surround it, tending to defraud the people of rights closely connected with their privileges as citizens."

Special Legislation.

"It is constantly expected that those who represent the people in the present Legislature will address themselves to the enactment of such laws as are for the benefit of all the citizens of the State, to the exclusion of special legislation and interference with affairs which should be managed by the localities to which they pertain.

"It is not only the right of the people to administer their local government, but it should be made their duty to do so. Any departure from this doctrine is an abandonment of the principles upon which our institutions are founded, and a concession of the infirmity and partial failure of the theory of a representative form of government.

"If the aid of the Legislature is invoked to further projects which should be subject to local control and management, suspicions should be at once aroused, and the interference sought should be promptly and sternly refused.

"If local rule is in any instance bad, weak or inefficient, those who suffer from maladministration have the remedy within their own control. If, through their neglect or inattention, it falls into unworthy hands, or if bad methods and practices gain a place in its administration, it is neither harsh nor unjust to remit those who are responsible for those conditions to their self-invited fate, until their interest, if no better motive, prompts them to an earnest and active discharge of the duties of good citizenship."

Watching the Interests of the Poor.

How carefully the interests of the poor and laboring classes are watched by the Governor was shown to the State by his refusal to make a law of the bill amending the act entitled "An act to revise the statutes of this State relating to banks, banking and trust companies."

"STATE OF NEW YORK, EXECUTIVE CHAMBER,
"ALBANY, May 19, 1883.

"[Filed with Secretary of State.]

"*Memorandum filed with Assembly bill No.* 592, *entitled "An act to amend Chapter four hundred and nineteen of the laws of eighteen hundred and eighty-two, entitled 'An act to revise the statutes of this State relating to banks, banking, and trust companies.'" Not approved.*

"I have listened to the arguments of the friends of this measure, and am still convinced that the present law should not be changed in the manner proposed.

"The bill before me provides that savings banks may invest the money of depositors in bonds and securities which are excluded by the present carefully prepared statutes regulating this subject. Among other things, it permits the investment of such funds 'in other good securities (excepting bills of exchange, promissory notes, deposits of personal property, and stocks to which by law the personal liability of stockholders attaches) which may be approved by the Superintendent of the Banking Department, the Governor, Comptroller and State Treasurer, or a majority of them.'

"It must be conceded, I think, that no absolute certainty attends the judgment of men in relation to the matter of good securities. The State officers mentioned in the bill should not be burdened or intrusted with this important duty.

"I see no provision in the bill by which any security can be withdrawn from the list if once approved by these officers, even though it may become unsafe or worthless as an investment.

"Considerations have been earnestly urged upon me touching the ability of savings banks to pay a fair interest to depositors, with the present limitation upon the character of their investments.

"But I am firmly of the opinion that these institutions are, as their name implies, a place of deposit for the savings of those among the poor and laboring people, who see the propriety of putting aside a part of their earnings for future need, or as the beginning of an accumulation. Such depositors are not, and should not be, investors seeking, as a paramount purpose, an income by way of interest on their deposits. When they come to that, there are other instrumentalities which should be employed.

"Absolute safety of the principal deposited is what the patrons of savings banks should seek; and any governmental control over these institutions should, first of all, be directed to that end.

"I am not satisfied that this is done, when State officials, already charged with onerous duties, are called to decide upon the value of proposed securities, and when the safety of deposits is left to their determination, and the care of directors and trustees often tempted to speculative ventures, beyond their power to resist.

"A due regard to the protection of a class of citizens which should especially deserve the care of the State, requires, I believe, that the institutions having their savings in charge should be limited in the use of such deposits to investments described in the law, and which as nearly as possible insure absolute exemption from loss.

"I am unwilling to assent to the increased risk, which, I am convinced, lurks in the provisions of the proposed bill.

GROVER CLEVELAND."

Protecting the Ballot Boxes.

A vigorous proclamation against violation of laws governing elections in this State was one of the acts of the Governor, which excited most favorable comment at the time of its issuance.

STATE OF NEW YORK.

Proclamation by Grover Cleveland, Governor.

"The Constitution of the State directs that the Governor 'shall take care that the laws are faithfully executed.'

"An appeal has been made to the Executive, asking that the laws relating to bribery and corruption at elections be enforced. All must acknowledge that there is nothing more important in our form of government than that the will of the people, which is absolutely the foundation upon which our institutions rest, should be fairly expressed and honestly regarded. Without this, our system is a sham and a contrivance, which it is brazen effrontery to call a republican form of government.

"All this is recognized, in theory, by provisions in the Constitution of our State, and by stringent penal enactments, aimed at the use of money and other corrupt means to unlawfully influence the suffrages of the people and to thwart their will. And yet I am convinced that a disregard of those enactments is frequent, and in many cases shamelessly opened and impudent.

"I, therefore, call upon all District Attorneys within this State, and all Sheriffs and peace officers, and others having in charge the execution of the laws, to exercise the utmost diligence in the discovery and punishment of violations of the statutes referred to, and they are admonished that neglect of duty in this regard will be promptly dealt with.

"And I request that all good citizens, in the performance of a plain duty, for the protection of free institutions and in their own interests, report to the proper authorities the commission of any offense against the statutes passed to preserve the purity of the ballot.

[L. S.] Done at the Capitol, in the City of Albany, this second day of November, in the year of our Lord one thousand eight hundred and eighty-three.

GROVER CLEVELAND.

By the Governor:
DANIEL S. LAMONT,
Private Secretary.

Excellent Affirmative Acts.

The above are culled from his speeches and messages and while they serve to afford a glimpse of the man in his public capacity, they by no means fill out the measures of his acts. His affirmative acts with reference to legislative enactments, are not so showy, but nevertheless they are as important and far reaching in their results, and as plainly indicate the principles by which his life is guided. A number of acts in the interest of the people were signed by him as follows:

One was the act to prevent baby farming (Chap. 40, Laws 1883).

One was the act to provide for the incorporation and regulation of co-operative or assessment life and casualty insurance associations and societies (Chap. 175, Laws 1883).

Though strongly pressed by powerful influences, he ranged himself upon the side of the people in signing the bill providing that the fare to be charged by the Utica and Black River Railroad Company should not exceed three cents per mile. (Chap. 174, Laws 1883.)

Another was the bill providing that it should be the duty of the board of supervisors to designate some proper authority other than that designated by law for the care of paupers and the custody of criminals, to inter the body of an honorably discharged soldier or sailor of the late rebellion, who should die without means sufficient to defray funeral expenses. (Chapter 247, Laws 1883.)

Another was the signing of a bill popularly known as the "Emigration Commission bill," which had for its purpose the improvement of the means of receiving and caring for emigrants arriving at the port of New York, a bill in which he was greatly interested, the purposes of which were defeated in the Senate in 1883 by a bargain with Republicans. (Chap. 286, Laws 1883.)

An act concerning pawnbrokers, and regulating the rate of interest to be charged for loans. (Chap. 339, Laws 1883.)

The bill to provide for the establishment of a bureau of labor statistics, reference to which was made under the head of labor. (Chap. 356, Laws 1883.)

An act in relation to receivers of corporations, and was in the interest of creditors in that it prevented the assets of insolvent corporations from being eaten up. (Chap. 378, Laws 1883.)

The bill to suppress political assessments upon those holding place under the State government. (Chap. 422, Laws 1883.)

The bill to provide for submitting to the electors of the State the propositon to abolish contract labor from State prisons, referred to under the head of labor. (Chap. 468, Laws 1883.)

A Notable Fact.

These are some of the affirmative acts which were received by the applause of the State. It is a notable fact that the course of the Governor with reference to legislation, his rigid scrutiny of bills, and prompt vetoes of those which were improper, had a marked effect upon the Legislature of 1884. Long before that Legislature assembled, one of the established facts current to the day, was that the Governor could not be cajoled or tricked into the signing of that which was not only improper but even doubtful, or into withholding his signature from that which was for the benefit of the people. Consequently the members governed themselves accordingly, and private bilis remained in the committees to which they were referred, with hardly an exception.

Some Acts of 1884.

Among the bills of general importance signed in 1884 was the act providing that no contracts for convict labor in prisons, penitentiaries or reformatories should be renewed, pending contracts extended, or new ones made. (Chap. 21, Laws 1884.)

The bill providing for a more efficient examination of the affairs of banks, banking and trust companies by the superintendent of banks. (Chap. 47, Laws 1884.

The bill permitting the use of State armories by associations of discharged soldiers. (Chap. 71, Laws 1884.)

The bill to prevent deception in sales of dairy products, more popularly known as the Oleomargarine bill, a measure most earnestly desiredby the vast dairy interests of the State. (Chap. 202, Laws 1884.)

The bill entitled "An act in relation to public education in the city of New Yord," which in fact wiped out the color and race line. (Chap. 248, Laws 1884.)

The act to provide for the completion of the records of New York volunteers of the War of the Rebellion, on file in the office of the Adjutant-General of the State of New York, and for safe-keeping thereof. (Chap. 259, Laws 1884.)

The bill amending chapter 339, Laws 1883, concerning pawnbrokers, widening its application to prohibit the sale of furniture stored as collateral for loans. (Chap. 363, Laws of 1884.)

The bill authorizing the slaughter of animals infected with contagious diseases and providing the payment of their actual value to the .owner. (Chap. 408, Laws 1884.)

The bill preferring honorable discharged soldiers and sailors in employment in the public service of the State. (Chap. 319, Laws 1884.)

An act relating to the custody and care of indigent and pauper children by charitable institutions. (Chap. 438, Laws 1884.)

The act which provides greater safeguards for travellers upon the railroads of this State, affixing penalties for neglecting to take the precautions provided for. (Chap. 439, Laws 1884.)

The bill providing for a commission to inquire into the character and condition of tenement houses in the City of New York. (Chap. 448, Laws of 1884.)

The act providing that telegraph and electric light companies shall lay their wires underground in cities. (Chap. 534, Laws 1884.)

The bill to provide for the additional accommodations for common schools (Chap. 455, Laws 1884.)

While the above will show that the Governor has sedulously kept in view the old Democratic maxim of "the greatest good to the greatest number," it will also show that a strict regard for the best interests of the people has actuated him in all respects.

In the Matter of Appointments.

The same motive is found in his appointments to office. More than any other consideration, that of distinguished fitness for place has governed him in the selection of persons to fill the important subordinate places of the State government.

Superintendent of Public Works.

Thus James Shanahan, a great portion of whose life had been spent in connection with the management of the canal system of the State, and whose familiarity with its needs and requirements was exceeded by no one, was appointed to be Superintendent of Public Works. It was characteristic of the Governor's methods that it was eminently practical appointment. No doubt others did have more powerful political influences behind them. This man's eminent qualifications for the work before him weighed against everything else, so he was appointed.

Department of Insurance.

The Department of Insurance was another most important place and very desirable in the eyes of many. The pressure was great. But, in the office of the Department was one who had been virtually the head for years. Administrations had come and gone, and superintendents of both political faiths had come and gone, but under them had remained as deputy, John A. McCall, who had entered the office as a boy and familiarizing himself with every branch and step of the business, had at last become such a necessity to the office, that Republican heads retained him, though a Democrat. Governor Cleveland would not have been Grover Cleveland, knowing these facts, if he had not appointed John A. McCall, Jr. So Mr. McCall became the Superintendent of Insurance.

Railroad Commission.

When the Railroad Commission was to be appointed, he found that under the law certain commercial bodies of New York City could suggest one for appointment, and that it was further provided that one should be a Democrat, and one a Republican, one of whom should be a man acquainted with the railroad business. An examination of the law, the field the new board was to occupy, the duties it would be called upon to perform, and the profound legal questions it would be compelled to meet, showed conclusively that there must be a lawyer upon the board. The commercial boards did not assist the Governor, for the person named by them was neither a Democrat, a Republican, one acquainted with the railroad business, nor a lawyer. The gentleman he did appoint as a Republican was one acquainted with the railroad business, and that was Mr. William E. Rogers, and in doing this he secured to the board the services of a superior civil engineer as well, for Mr. Rogers is a graduate of West Point, and holds the certificate of a civil engineer. Consequently the Democratic member of the Railroad Commission had to be a lawyer, and this was John J. Kernan, a son of Francis Kernan, who had won a leading place at the bar of Central New York, a bar held in high repute for the number of great men it has given to the State. Thus it was, under a law, the limitations of which were most unwise, the Governor in two men, while obeying the law in every particular, gave to the Board of Railroad Commissioners one acquainted with the railroad business, a civil engineer and a lawyer. The result has justified the selections of the Governor.

Reforming Control of the New York Capitol.

The re-organization of the Capitol control, very much needed, gave the Governor an opportunity to perform real service to the people. So when he selected Mr. Isaac G. Perry to be Capitol Commissioner he gave to the State a man of practical knowledge and extraordinary efficiency. The Capitol, the work upon which had become a by-word and a reproach, seemed to take a leap forward at once, and the visitors to the Capitol could see it fairly grow under his hands. More was accomplished in a few months with the same amount of money, than had ever been known before. A factious Republican opposition fearing the effect of this reform upon the people undertook to counteract its effect by an inquisitorial investigation, the results of which were, in fact, but to show in brighter colors the wonderful work accomplished, and the committee of investigation was fairly shamed into commending the labor performed, and endorsing the administration of this department, and all the more as their factious opposition had interfered with the progress of the work, and laid an additional burden of $500.000 at least upon the people, while robbing 1,200 laboring men of six months' work.

Of a like character was the appointment of Mr. Charles B. Andrews to be Superintendent of Public Buildings. This also was an eminently characteristic appointment, based, more than anything else, upon the Governor's own knowledge of the fitness of the man for the place. In this, as in all other cases, the result has justified the selection.

Local Appointments.

Who forgets the ringing applause which greeted the appointment of Wheeler H. Peckham, to be District Attorney of New York, to fill the vacancy caused by the death of the Hon. John McKeon ? And when the continuous ill health compelled Mr. Peckham to lay down the duties he had so recently assumed, was the applause less hearty that saluted his successor, Peter B. Olney ?

One of the last appointments made by the Governor, that of Henry Wilder Allen, to be Judge of the Court of Common Pleas, is of the same high character.

The above does not embrace all of his appointments; it does not show those of the Civil Service Commissioners, nor of the Commissioner of Emigration that gave such widespread satisfaction, William H. Murtha, but which was defeated in the Senate of 1883 by a combination with Republicans by certain Senators; nor the minor appointments, selected with the same care and same regard for fitness.

"Where the Honor Lies."

Indeed, so high is the standard erected by the Governor, that the honor attached is not in the place to be occupied, but in the fact that the appointee has been selected by a Governor whose standard is so high.

Grover Cleveland a Tried and Consistent Democrat.

Though deserving and receiving as a public officer the enthusiastic support of the great body of his fellow-citizens, irrespective of party, Governor Cleveland is a loyal member of the Democratic party. To this fact his record, his speeches, his principles and the voice of his own neighborhood bear concurrent testimony.

As a Democrat he was, in 1863, made assistant district attorney of the county of Erie. As a Democrat he was, in 1870, chosen to be county sheriff. As a Democrat he was, in 1881, elected to be mayor of Buffalo. As a Democrat, in 1882, he was elected to be Governor of the State, and now he stands as the chosen Democratic candidate for the Presidency. In these twenty-one years since his first designation for public office by the Democrats he has six times received the approval of the official councils of the party, and the people having failed to affirm this selection only once in the course of these twenty-one years, he may in every sense be said to have attained majority as a Democrat.

This long and unbroken testimony to his loyalty to the highest interests of his party, has been founded upon his public utterances and acts. He has never professed to be other than a Democrat.

In accepting the Democratic nomination for mayor of Buffalo in 1881, he said:

> "GENTLEMEN OF THE CONVENTION—I am informed that you have bestowed upon me the nomination for the office of Mayor. It certainly is a great honor to be thought fit to be the chief officer of a great and prosperous city like ours, having such important and varied interests. I hoped that your choice might fall upon some other and more worthy member of the city Democracy, for personal and private considerations have made the question of acceptance on my part a difficult one. *But because I am a Democrat,* and because I think no one has a right at this time of all others to consult his own inclinations as against the call of his party and fellow-citizens, and hoping that I may be of use to you in your efforts to inaugurate a better rule of municipal affairs, I accept the nomination tendered to me. * * * I am assured that the result of the campaign upon which we enter to-day, will demonstrate that the citizens of Buffalo will not tolerate the man or the party who has been unfaithful to public trusts. I say these things to a convention of Democrats because I know that the grand old party is honest, and they cannot be unwelcome to you. Let us then in all sincerity promise the people an improvement in our municipal affairs; and if the opportunity is offered to us, as it surely will be, let us faithfully keep that promise. By this means, and by this means alone, can our success rest upon a firm foundation and our party ascendancy be permanently assured. Our opponents will wage a bitter and determined warfare; but with united and hearty effort we shall achieve a victory for our entire ticket. And at this day, and with my record before you, I trust it is unnecessary for me to pledge to you my most earnest endeavors to bring about this result; and if elected to the position for which you have nominated me, I shall do my whole duty to the party, but none the less, I hope, to the citizens of Buffalo."

His nomination for Governor was accepted in a letter to the committee of the Democratic convention, in which he said, "The platform of principles adopted by the convention meets with my hearty approval. The doctrines therein enunciated are so distinctly and explicitly stated that their amplification seems scarcely necessary. If elected to the office for which I have been nominated, I shall endeavor to impress them upon my administration and make them the policy of the State."

At the reception given to him by the Manhattan Club in the City of New York, December 6, 1882, he expressed himself in these sterling words :

"You who lead, and those who follow, should all strive to commend to the people in this, the time of our opportunity, not an administration alone, but a party which shall appear adequate to their wants and useful to their purposes. The time-honored doctrines of the Democratic party are dear to me. If honestly applied in their purity I know the affairs of the Government would be faithfully and honestly administered, and I believe that all the wants and needs of the people would be met. *They have survived all changes, and good and patriotic men have clung to them through all disasters as the hope of political salvation.* Let us hold them as a sacred trust, and let us not forget that an intelligent, reading, thinking people will look to the party which they put in power to supply all their various needs and wants, and the party which keeps pace with the development and progress of the times, which keeps in sight its land-marks and yet observes those things which are in advance, and which will continue true to the people as well as to its traditions, will be the dominant party of the future."

In a message sent to the Assembly April 9, 1883, he said :

"I believe in an open and sturdy partisanship, which secures the legitimate advantages of party supremacy ; but parties were made for the people, and I am unwilling, knowingly, to give my assent to measures purely partisan which will sacrifice or endanger their interests."

And upon the occasion of a serenade from the Albany Young Men's Democratic Club, upon the evening of his nomination, July 10, 1884, he spoke as follows :

FELLOW-CITIZENS—I cannot but be gratified with this kindly greeting. I find that I am fast reaching the point where I shall count the people of Albany not merely as fellow-citizens, but as townsmen and neighbors

"On this occasion I am, of course, aware that you pay no compliment to a citizen, and present no personal tribute, but that you have come to demonstrate your loyalty and devotion to a cause in which you are heartily enlisted.

"The American people are about to exercise, in its highest sense, their power of right and sovereignty. They are to call in review before them their public servants and representatives of political parties, and demand of them an account of their stewardship.

"Parties may be so long in power, and may become so arrogant and careless of the interests of the people as to grow heedless of their responsibility to their masters. But the time comes, as certainly as death, when the people weigh them in the balance.

"The issues to be adjudicated by the nation's great assize are made up and are about to be submitted.

"We believe that the people are not receiving at the hands of the party, which for nearly twenty-four years has directed the affairs of the nation, the full benefits to which they are entitled, of a pure, just, and economical rule ; and we believe that the ascendancy of genuine Democratic principles will insure a better government, and greater happiness and prosperity to all the people.

"To reach the sober thought of the nation, and to dislodge an enemy intrenched behind spoils and patronage, involve a struggle, which, if we under-estimate, we invite defeat. I am profoundly impressed with the responsibility of the part assigned to me in this contest. My heart, I know, is in the cause, and I pledge you that no effort of mine shall be wanting to secure the victory which I believe to be within the achievement of the Democratic hosts.

"Let us, then, enter upon the campaign now fairly opened, each one appreciating well the part he has to perform, ready, with solid front, to do battle for better government, confidently, courageously, always honorably, and with a firm reliance upon the intelligence and patriotism of the American people."

Upon this series of utterances Governor Cleveland is entitled to rely as an explicit declaration of devotion to his party.

But for his firm maintenance of the cardinal principles of Democracy—simplicity of personal and official life ; ready and free access for the people ; untiring industry and vigilant fidelity in the discharge of public duty ; rigid economy in the expenditure of public funds ; strict construction of the powers of public servants and stern enforcement of the requirements upon them ; publicity and purity of official action ; fearless discharge of duty as seen by himself, and inability to substitute the suggestions of others, not elected to office, for the judgment which he was chosen to exercise, stamp him as a Democrat in principle, vigorous, courageous and stalwart.

But in the exercise of this just preference for his own party, he has ever been mindful of the truth that the party is most useful, most prosperous and most harmonious, which most nearly satisfies the wants and promotes the welfare of the whole people.

As he said in the speech at the Manhattan Club (already mentioned) :

> "We stand to-night in the full glare of a grand and brilliant manifestation of popular will, and in the light of it how vain and weak appear the tricks of politicians and the movements of partisan machinery. He must be blind who cannot see that the people well understand their power and are determined to use it when their rights and interests are threatened. There should be no skepticism to-night as to the strength and perpetuity of our popular government. Partisan leaders have learned, too, that the people will not unthinkingly follow, and that something more than unreasoning devotion to a party is necessary to secure their allegiance. * * * * We shall utterly fail to read aright the signs of the times if we are not fully convinced that parties are but the instruments through which the people work their will, and that when they become less or more the people destroy or desert them."

Absolutely accepting the Democratic doctrine that the people are not to be feared ; that they are not to be fooled ; that they approve courage, and that they prefer the enduring right to that which seems to be expedient for the present, Governor Cleveland has boldly borne the banner of Democracy and planted it upon advanced ground. Honest laws and their faithful administration have been his invariable motto.

Life of Thomas A. Hendricks.

Thomas A. Hendricks, the Democratic candidate for Vice-President, was born near the town of Zanesville, Muskingum county, Ohio, on September 7th, 1819, sixteen years after the admission of Ohio into the Union, and when the State of Indiana, of which he was to become the most distinguished representative, was not yet three years old. Less than nine months after the birth of Thomas, his father removed to Madison, then the chief city of Indiana, the home of his brother William, and from that time forward the history of our candidate is identified with Indiana.

The family is of "Scotch-Irish" origin. On the father's side, his people were from the North of Ireland, and the ancestral Hendricks, more than a century ago, settled in the Legonier Valley, Westmoreland county, Western Pennsylvania. A brook flowing into the Conemaugh is called to this day "Hendricks' Run," and obtained that name from the fact that the settler of a hundred years ago put his wheel into it and utilized it first for milling purposes. The family grew in prosperity and respect, and Abraham, grandfather of the subject of this sketch, served in various public offices, and as a member of the legislature of Pennsylvania in the sessions of 1792-3, 1793-4, 1796-7 and 1797-8. Abraham had two sons, William and John, both of whom in early life emigrated from Pennsylvania to the growing West.

Four years before the colonies had thrown off the English yoke, the Thomson family, of pure Scotch blood, settled in the Cumberland Valley of Pennsylvania, near Shippensburgh, Cumberland county. From that family has sprung distinguished men, and of the stock was Alexander Thomson, a jurist of renown, and Frank Thomson, vice-president of the Pennsylvania Railroad Company.

Jane Thomson, a sister of the jurist above named, and John Hendricks, a son of Abraham, the Pennsylvania legislator, met at the residence of Rev. Dr. Black in Pittsburgh, and the acquaintance there formed ended in marriage, the fruits of which was the birth of Thomas A. Hendricks.

William Hendricks, the elder brother of John, and, consequently, the uncle of Thomas A., had previous to the marriage of his brother removed to Cincinnati, where he engaged in the practice of law; subsequently, he removed to Indiana and quickly advanced to a leading position, being made a Representative in Congress, the second Governor of the State, and United States Senator. One of the counties named after him is an evidence of the esteem in which he was held by the people of that, then young, commonwealth. His brother John, with his bride, followed his track, and after a brief residence in Ohio, removed to Indiana, first settling near Madison, and two years later locating a farm which afterward became part of the site of Shelbyville, the county seat of Shelby county.

John Hendricks combined the pursuits of tanner and farmer, but, from his force of character, culture and commanding intellect, rather than from his occupations, became the foremost citizen of the community. The frontier home built by him of hewn logs, is still standing on the "Michigan turnpike." While young Tom was a boy, his father erected a story-and-a-half brick building a little north of the site of the hewn-log structure, and Tom drove the oxen for the transportation of the necessary material. The lad led the life of a farmer's boy (for his father soon abandoned the tanning business), working in the summer and attending school in the winter.

The home influences surrounding the subject of our sketch were of that kind out of which seem to have come nearly all the great and leading men of America —a strong and intelligent father, a superior and pious mother, the presiding genius of a peaceful home, where religion had set up a revered altar and in which life was guided by a strict adherence to a code of morals almost stern in its conformation to the Presbyterian creed. Moreover, it was a home in which the light of hospitality always burned and where the door stood ajar for all comers, whether he was the Methodist circuit rider, or the man of God with cowl and crucifix, the wayfarer seeking a new home in the forest of the west, or the vagrant whose recklessness made him a suppliant for the bounty of the more prudent. It was in such a home, and surrounded by such influences, that Thomas A. Hendricks grew, developed and waxed strong in mind and body.

The lad attended the village schools for a time and then a neighbor, John Robinson, living six miles distant, having secured an Eastern instructor to prepare his own boys for college, extended the advantages to his neighbors' boys. Young "Tom" Hendricks, having developed more aptitude for study than for tilling, eagerly embraced the opportunity and continued there until the school was broken up by the sudden departure of the teacher, but the instruction there received enabled him to enter Hanover College, located on the Ohio river, near Madison, seventy miles south of Shelbyville. A Presbyterian college, it was presided over by Dr. McMasters, brother of James McMasters, now editor of the *Freeman's Journal*, New York.

Graduating from Hanover College in 1841, he began the study of law with Judge Major, of Shelbyville, but a desire to visit the East induced him to accept the advantages of instruction in the office and a membership in the family of his uncle, Judge Thomson, in Chambersburg, Pennsylvania. He returned to Indiana in 1843, with only one dollar and twenty-five cents in his pocket, one week too late for the regular fall examinations for admission to the bar, and was therefore put to the test of a special examination by the circuit judges. He was easily admitted. His early career did not differ much from a hundred other fledglings in a limited sphere, but it was noted that his diligence, upright bearing, and suavity of manner, builded early the foundations of that popularity which has been for so many years in Indiana his peculiar possession.

Four years after his admission to the bar, his political career was begun by his election to the legislature, and from that day until this he has been an active and conspicuous figure in the politics of his State. It was in 1848 that he was elected to the legislature, then only twenty-six years of age, being elected in a close contest over Captain Nathan Early, the issue being the party responsibility for the Mexican war. He served but one term, but long enough to impress the fact upon the people of the State that "a young man of great capacity and promise" had come upon the platform of affairs, and which resulted in his being chosen to the State Constitutional Convention of 1850, called to revise and amend the fundamental law of the commonwealth at a time when Indiana wanted in council her ablest and purest men.

In 1851, the year subsequent, Mr. Hendricks was nominated for Congress in the Indianapolis district and was elected. So acceptably did he serve his constituents that he was renominated and re-elected. In the autumn of 1856, much against his inclination, he was nominated for a third term, and was defeated. His defeat has been erroneously attributed to his vote in favor of Douglas's Nebraska-Kansas bill, involving the repeal of the Missouri Compromise, but, as a matter of fact, it was during a period of transition, in which occurred the disintegration of the Whig party and the uprising of the Republicans, when there was much political movement and many theories. His opponent, once a Democrat, rallied to his support Free Soilers, Abolitionists, Temperance men, Know Nothings, Whigs and everything else which was not Democratic ; and in a time of political revolution he was beaten. Though he returned at once to the practice of the law, he was called again to public service, without solicitation either upon his part or that of his friends, by President Pierce, who appointed Mr. Hendricks Commissioner of the General Land Office. He administered the duties of this office for four years, earning a widespread national reputation, by reason of the ability with which he conducted the delicate and important affairs of the office.

In 1860, the Republicans nominated Henry S. Lane for Governor of Indiana ; and the Democrats, casting about for their strongest name, chose that of Thomas A. Hendricks. This was another year of political revolution, and when Abraham Lincoln was elected President. Mr. Hendricks was defeated ; but revolution followed upon revolution, and in 1862, while Hon. Oliver P. Morton was Governor, the Democrats obtained a majority in the Legislature. A United States Senator was to be chosen, and Thomas A. Hendricks was elected. His period of service, ending March, 1869, covered the last two years of the war and the four years of reconstruction. How nobly he stood for the application of Jeffersonian principles in these troublous times, how certain he was in his strokes of battle, and what influence for good he then exerted, are matters now the pride of Democrats whereever they are. In the resistance to the effort to remove Andrew Johnson by impeachment, Senator Hendricks played an important and able part.

At the close of his senatorial term, Senator Hendricks returned to Indiana to again enter upon his practice, bearing with him an honorable name earned in the service of his country and treasured by every Democrat in the broad land. In 1868, at the Democratic Convention in New York City, his name was presented as a candidate with eighteen others, and he, with General Hancock, led all the rest, the latter receiving on the twenty-first ballot 135½ and Senator Hendricks 132. On the twenty-second ballot Ohio suddenly presented the name of Horatio Seymour, with the result of his nomination.

In 1872 the Democratic party entered into a compact with the Liberal-Republican party and nominated Horace Greeley. Though Senator Hendricks doubted the advisability of the movement, yet he loyally followed the lead of his party, and his presence being demanded in the fore of battle in his own State, against his earnest protest he was nominated for Governor. Though Grant carried the State on the electoral ticket, Hendricks was elected by a majority of one thousand one hundred and forty-eight votes.

Two years as Governor and again Mr. Hendricks returned to private life. Two years later he passed into the most eventful period of his life. The Democratic National Convention met at St. Louis the 27th of June, 1876. On the first ballot Mr. Tilden received 403½ votes and Mr. Hendricks 133½. On the second ballot Mr. Tilden received 508 votes, and the first place being disposed of, the thoughts of the Convention turned to Governor Hendricks, and he was nominated for Vice-

President by 730 votes out of 738. The events which followed are now a matter of history. After a stoutly contested and bitter campaign, Tilden and Hendricks were elected, having a majority of the popular vote and electoral college. By a shameless conspiracy, engaged in by the Leaders of the Republican party, the the people of the country were fraudulently deprived of their triumph at the polls. In this trying period Governor Hendricks bore himself with lofty patriotism, further increasing the regard felt for him.

Eight years rolled around and the representatives of Democracy in the greatest convention ever assembled, gathered together at Chicago, July 8th, 1884. There was a general demand for the old ticket of 1876. But the old chieftain, Tilden, was incapacitated by age for the leadership, and the convention selected the young champion of reform in the Empire State—Grover Cleveland, as his representative, and then, after a scene of unparalleled enthusiasm, demanded that Thomas A. Hendricks should a second time be nominated for Vice-President and a second time elected. True to his patriotic impulses he has accepted.

Governor Hendricks is a man now nearly sixty-five years old, vigorous and strong, in whom there is not an indication of decay either mentally or physically—a man of simple habits, with a graceful bearing and a manly, handsome face. Nature has endowed him with the elements of a true orator and upon the forum he is persuasive and winning, convincing and captivating. His long public career, beginning when twenty-six years of age, is studded with the evidences of his great ability, his singularly pure devotion to duty and his lofty and unswerving patriotism. He is a Democrat of the truest type and an ideal representative of American manhood.

Public Record of Thomas A. Hendricks.

Thomas A. Hendricks was but twenty-six years old when he began his public career in the Assembly of Indiana. He was nominated for that place by the Democrats of that county. His opponent was Captain Nathan Earlywine, whom he met in joint debate. Their discussion on Flat Rock is to-day a tradition of the community. Earlywine in the debate charged the Democrats with bringing on the Mexican war, and alleged that some time before Hendricks, in a private conversation, had admitted this, but boasted that he intended to shift the responsibility from the Democrats to the Whigs. Hendricks, who was in the audience, shouted out, "You know that's a lie!" For a time it looked as if the meeting would have a sudden and violent termination, but Mr. Hendricks took the stump and justified his declaration. Hendricks was elected. In the Legislature he soon made himself conspicuous by his opposition to the extension of the State Bank's branches and by the ability with which he urged his opposition. Notwithstanding the success he met with in his first venture in public life, he refused a renomination and returned to his practice.

Two years later (1850) by the wish of all parties and without opposition, he was elected to the State Constitutional Convention, to amend the Constitution of 1816. Robert Dale Owen, Judges Pettit and Biddle, W. S. Holman, and Schuyler Colfax had seats in the same Convention. Mr. Hendricks, who was on the Banking and Judiciary Committees, won such a reputation in the debates upon the important questions arising, that without effort upon his part, he became a leading candidate for the nomination for Congress in his district. There were many other candidates for the nomination, but upon the fifty-third ballot, Mr. Hendricks was nominated, and he was elected by a majority of more than three thousand.

The first term in Congress is rarely an eventful one to a new member, yet he satisfied his constituents, and they returned him by an increased majority. During his second term Douglass' Kansas-Nebraska bill was presented, and the discussion over it greatly excited the country. Mr. Hendricks voted with the bulk of his party. It has been urged that this vote defeated him for a third term in Congress, but it is certain that in thus casting his vote, he was in entire accord with the sentiment of his constituents. The fact is that it was a time of political revolution, and Lucien Barbour, his opponent, who had been a Democrat, was supported by all the elements which opposed the Democratic party, Free Soilers, Abolitionists, Temperance men, Know Nothings, Whigs, and what not. It was a time of the Know Nothing craze. During this campaign Mr. Hendricks made a speech, which, while an honor to his convictions and his democracy, in that time of senseless opposition to naturalized citizens, contributed somewhat to his defeat. This is what he said on that occasion:

"When the Democratic administration of Jefferson came in, liberal laws were enacted, and our young Republican said to the oppressed millions of Europe:

'Come, and cheap lands shall furnish you a home; come, and the flag of the free shall wave over and protect you; come, and just laws shall make you free.' They did come, and with them came the scholar, the artist, the farmer, the mechanic and the laborer, and they brought no trouble upon our fathers but much strength, and contributed largely to the development of the country. Our fathers were then only five millions strong, but they were not afraid for their liberties or for their Protestant religion in the adoption of that policy. Since that day half a century has gone by, and our last census shows us to be a people of twenty-three millions, with a native-born white population of seventeen millions and three-quarters, and a population of foreign birth of only two millions and one-quarter. Our foreign population, animated by a common sentiment of admiration for our institutions, have abandoned the lands of their birth, and with their wives and children have settled done among us, making our fortunes their fortunes, our hopes their hopes, and our destiny their destiny. When have they refused to discharge any duty required by Government? Do they not promptly pay their taxes, diligently labor upon the highways, faithfully serve in our armies, and valiantly fight in defense of our country? It is not true that our liberties or our religion are endangered by the presence of our foreign population. Our fathers intended to secure the liberties of the citizen, that the Church and State should be separate, and that the Church should not control the State, nor the State corrupt the Church. No test can be made by law, whereby one class of men shall be promoted to office and another class deprived of office because of their religion. The Constitution prohibits it for the reason that such a thing ought not to be done."

Defeated Mr. Hendricks contentedly resumed the practice of the law, but only for a few months, for President Pierce, without solicitation upon the part of himself or anyone else, tendered him the distinguished office of Commissioner of the General Land Office. He accepted, not without hesitation, and principally in view of the fact that it would promote his knowledge of land law.

Mr. Hendricks continued in this office at the request of the succeeding secretary, Jacob Thompson, of President Buchanan's administration, and remained commissioner until 1859, when he resigned to resume his law practice. He had brought to the place vast aptitude for the discharge of its duties, and the business and organizing faculty which its proper administration required. During his term and his superintendency of the one hundred and eighty clerks employed, twenty-two thousand contested cases were settled, and over four hundred thousand patents issued. The exercise of his functions was distinguished by careful surveys, early examinations and prompt decision of titles, ready aid to settlers, a recognition of the value to the remaining governmental domain of improvements upon pre-empted sections, and the assurance to owners under Federal grants of certain and unimpeachable rights. In his general view at that early day, and before the subject had become one of such vital apprehension as it is now, he regarded with most favor the claims of small settlers, and he guarded with jealous care against the absorption of the public domain—the people's inheritance—by grasping monopolies, reckless speculators, greedy corporations, and alien land-owners.

His decisions were rarely overruled, and his services to the sections of the country opened up in the days of his administration have been cherished in grateful memory by the people who were benefited. On July 5th, 1865, Senator Hendricks, visiting St. Paul, was tendered a banquet by the Common Council and citizens of that place "in recognition of his good offices toward Minnesota as Commissioner of the General Land Office and as United States Senator." In making a journey to San Francisco in 1869, passing through Omaha, he was received with a great popular ovation, and five thousand people gathered in the evening to honor him and to listen to an oration on the state of the country, in the course of which he applied himself largely to the proper disposal of our public lands, and maintained, as he had always held in official position, that every advantage in the disposition of them should be given to the private settler.

In 1860, the democracy of Indiana insisted that Mr. Hendricks should become the nominee of the Democratic party for Governor. Though he clearly saw that the events of the day and time preshadowed defeat, he did not hesitate to take the lead of the party. He was defeated by Henry S. Lane. The bursting of the war cloud, which had been gathered summoned Mr. Hendricks to the work in hand and he took a clean and unswerving stand in support of the Union. The democracy of Indiana met in convention January 8, 1861, Mr. Hendricks, Chairman of the Committee on Resolutions, reported that "it was the highest aim and the most imperative duty of patriotism and philanthropy to preserve the Union of the States in its integrity and maintain the Federal compact in its spirit."

Notwithstanding his clear and outspoken position, he was made the subject of bitter misrepresentations, to some of which he made reply in the following letter:

Governor Hendricks' Views on the Rebellion.

A letter to the Indianapolis Journal, Thursday, April 25th, 1861.

"INDIANAPOLIS, April 24th.

"MR. EDITOR—My attention has been called to an editorial in the *Journal* this morning, in which it is stated that at a Union meeting held at Shelbyville a few evenings since a committee was appointed to wait upon me, with the request that I should speak; that, being called upon by the committee, I refused to speak, saying that I had no hand in originating the difficulty, and would have nothing to do in extricating the country from its perilous condition.

"The writer has been wholly misinformed. I never heard of the appointment of such a committee, and suppose none was appointed. No committee waited upon me with such a request. Had I been so honored, I certainly would have responded. I have never withheld my views upon any question of public interest from the people of Shelby County. Upon all occasions, when it appeared proper, I have expressed my opinions in relation to our present troubles. Since the war commenced I have uniformly said that the authority of the Government of the United States is not questioned in Indiana, and that I regarded it as the duty of the citizens of Indiana to respect and maintain that authority, and to give the Government an honest and earnest support in the prosecution of the war, until, in the providence of God, it may be brought to an honorable conclusion, and the blessings of peace restored to our country, postponing until that time all controversy in relation to the causes and responsibilities of the war. No man will feel a deeper solicitude in the welfare and proud bearing of Indiana's soldiery in the conflict of arms to which they are called than myself.

Allow me to add that in my judgment a citizen or newspaper is not serving the country well in the present crisis by attempting to give a partisan aspect to the war, or by seeking to pervert the cause of the country to party ends.

Respectfully,

THOMAS A. HENDRICKS.

In June, 1863, upon the exciting popular question of the enrollment and the draft, Hendricks made a speech to the people of Rushville, Rush County, Indiana, in which he urged the necessity of obedience to the act and to all Constitutional enactments, both as a matter of duty upon the part of the citizens, and as the best means of preserving peace and order. In the course of this address he said: "Respect for legitimate authority and obedience to law has long been the cherished sentiment of the political party to which it is my pride to belong. *The dangerous doctrine that the conscience of the citizen may sit in judgment upon laws enacted in proper form, with a view to their resistance, has never been adopted by any considerable portion of the people of this State, and has at all times been bitterly opposed by the*

Democracy." A better exposition of the genius of Democracy it would be difficult to find.

In the election of 1862 the Democrats obtained a majority of the Legislature on joint ballot. Early in 1863 Mr. Hendricks was elected United States senator, and the 4th of March of that year he took his seat. His reputation and his eminent public services in past years gave him a high place in the Senate at once, and he served with distinction and industry on the committees of claims, public buildings, judiciary, public lands and naval affairs.

Senator Hendricks shared Mr. Lincoln's confidence and friendship. In March, 1865. just before the assassination, Mr. Hendricks called at the White House, to bid the President good-bye. To him, Lincoln said:

> "I know, Hendricks, that you are a Democrat; but you have treated my Administration fairly, and I think it is due you now to say to you that things will shortly assume a shape across the river [turning and pointing to the Potomac] when I can have a general jubilee."

During the discussions of the reconstruction era, Senator Hendricks held closely to the theory, that the existence of a State which had been in rebellion "its organization as a State, its Constitution, which was the bond of its organization, continued all the way through the war; and when peace came, it found the State, with its Constitution and laws unrepealed and in full force, holding that State to the Federal Union, except all laws enacted in aid of the Rebellion."

In further support of his position, Mr. Hendricks said:

> "Mr. Lincoln, in most express terms, in most emphatic language, in language at the time somewhat offensive to some members of his own party, held the same doctrine; and I call the attention of Senators to the proclamation to which I refer. In the first place, Mr. Lincoln, on the 8th of December, 1863, issued a proclamation, first, of general amnesty to those who would take a prescribed oath, and then assuring them that if the people of these States would recognize State Governments loyal in their character the Executive would respect and, under this clause of the Constitution, would guarantee those Governments. Here is his language—not calling upon Congress as the source of power for the action of the people, but appealing directly to the people independently of Congress. He says that if they will reorganize their State Governments such shall be recognized as the true Government of the State, and the State shall receive thereunder the benefits of the Constitutional provision which declares that 'the United States shall guarantee to every State in this Union a republican form of government,'" etc.

During the impeachment trial of Andrew Johnson, Benjamin Wade, then Acting Vice-President took his seat as one of the triers in the case. Senator Hendricks challenged him and forcibly stated the objections that "no man should help to take from the President his office when that man is to fill the office if the proceeding succeed." Mr. Sumner characterized the question raised as one "of much novelty," but the parliamentary phases of it occupied two days in discussion.

In 1868, Mr. Hendricks' position as a leader of the National Democracy was so undisputed that he was a leading candidate for the nomination for President at the New York National Democratic Convention, closely contesting the palm with General Hancock from the twenty-first ballot, when the General received one hundred and thirty-five and a half votes. Mr. Hendricks received one hundred and thirty-two. But in this ballot the break was made for Horatio Seymour, who was nominated.

Much against his inclination in that campaign Mr. Hendricks was nominated for Governor in Indiana and was defeated again. In 1872, however, though he had doubted the advisability of the nomination of Horace Greeley by the Democracy, he was again chosen to bear the standard of Democracy in Indiana, and this time was elected.

During his term of Governor the Legislature adjourned without completing its business. Governor Hendricks brought it back straightway. His admonition that the neglected measures required little time, and that the members not yet having left the capital had not ,earned mileage, brought about a prompt dispatch of the business and prevented an unnecessary prolongation of the extra session.

During the same term, December 29, 1874, at the opening exercises of the State Teachers' Association, he delivered an address full of thoughtful concern for the educational interests of the State, which always had his earnest attention.

Under his administration the debt of the State, which is now no considerable amount, was largely taken up, the credit of the Commonwealth sustained and enhanced, and its material affairs prospered. It was during this period that the financial issue threatened to divide the Democracy. As a sufficient answer to the misrepresentation which Mr. Hendricks' attitude toward this question has been subject to, there is appended here an extract from his speech in the Convention of 1878. From these sentiments he never departed, through the Indiana platforms in some degree had transcended his views and also that of the Ohio Democracy, in the campaign when he went over to help them, but he invariably steered his course consistently with these sentiments :

> "We desire a return to specie payments. It is a serious evil when there are commercial mediums of diffent values ; when one description of our money is for one class and purpose, and another for a different class and purpose. We cannot too strongly express the importance of the policy that shall restore uniformity of value to all the money of the country, so that it shall be always and readily convertible. That gold and silver are the real standard of value is a cherished Democratic sentiment not now or hereafter to be abandoned. But I do not look to any arbitrary enactment of Congress for a restoration of specie payments. Such an effort now would probably produce widespread commercial disaster. A Congressional declaration cannot make the paper currency equal to gold in value. It cannot make a bank note equal to your dollar. The business of the country alone can do that. When we find the coin of the country increasing, then we may know that we are moving in the direction of specie payments. The important financial question is, How can we increase and make permanent our supply of gold ? The reliable solution is, by increasing our productions and thereby reducing our purchases, and increasing our sales abroad. He can readily obtain money who produces more than he consumes of articles that are wanted in the market, and I suppose that is also true of communities and nations."

In 1876 a great wave of reform swept over the country, and conspicuous among those who had led the van in the aggressive march and battle against corrupt methods in the administration of affairs were Governors Tilden (of New York) and Hendricks (of Indiana). The Democratic National Convention assembled at St. Louis on the 27th day of June of that year. But two candidates were really before the convention, Tilden and Hendricks. The first ballot determined the result, and Governor Tilden was nominated. After that the demand was almost unanimous for Hendricks for Vice-President, and out of 738 votes he received 730. He accepted, and in his lettter of acceptance used these noble words :

> "The institutions of our country have been sorely tried by the exigencies of civil war, and since the peace by a selfish and corrupt management of public affairs which have shamed us before civilized mankind. By unwise and partial legislation, every industry and interest of the people have been made to suffer ; and in the executive departments of the government dishonesty, rapacity, and venalty have debauched the public service. Men known to be unworthy have been promoted, while others have been degraded for fidelity to official duty. Public office has been made the means of private profit, and the country has been offended to see a class of men who boast the friendship of the sworn protectors of the State amassing fortunes by defrauding the public treasury and by corrupting the ser-

vants of the people. In such a crisis of the history of the country, I rejoice that the convention at St. Louis has so nobly raised the standard of reform. Nothing can be well with us or with our affairs until the public conscience, shocked by the enormous evils and abuses which prevail, shall have demanded and compelled an unsparing reformation of our national Administration, 'in its head and in its members.' In such a reformation the removal of a single officer, even the President, is comparatively a trifling matter, if the system which he represents, and which has fostered him as he has fostered it, is suffered to remain. The President alone must not be made the scape-goat for the enormities of the system which infects the public service and threatens the destruction of our institutions. In some respects I hold that the present Executive has been the victim rather than the author of that vicious system. Congressional and party leaders have been stronger than the President. No one man could have created it, and the removal of no one man can amend it. It is thoroughly corrupt, and must be swept remorselessly away by the selection of a government composed of elements entirely new and pledged to radical reform."

"With the industries of the people there have been frequent interferences. Our platform truly says that many industries have been impoverished to subsidize a few. Our commerce has been degraded to an inferior position on the high seas; manufactures have been diminished; agriculture has been embarrassed; and the distress of the industrial classes demands that these things shall be reformed.

"The burdens of the people must also be lightened by a great change in our system of public expenses. The profligate expenditure which increased taxation from five dollars *per capita* in 1860 to eighteen dollars in 1870, tells its own story of our need of fiscal reform.

"Our treaties with foreign powers should also be revised and amended, in so far as they leave citizens of foreign birth in any particular less secure in any country on earth than they would be if they had been born upon our own soil; and the iniquitous coolie system, which, through the agency of wealthy companies, imports Chinese bondmen, and establishes a species of slavery, and interferes with the just rewards of labor on our Pacific coast, should be utterly abolished.

"In the reform of our civil service, I most heartily indorse that section of the platform which declares that the civil service ought not to be 'subject to change at every election,' and that it ought not to be made 'the brief reward of party zeal,' but ought to be awarded for proved competency, and held for fidelity in the public employ. I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced the administration of the last eight years. Bad as the civil service now is, as all know, it has some men of tried integrity and proved ability. Such men, and such men only, should be retained in office; but no man should be retained, on any consideration, who has prostituted his office to the purposes of partisan intimidation of compulsion, or who has furnished money to corrupt the elections. This is done, and has been done, in almost every county of the land. It is a blight upon the morals of the country, and ought to be reformed.

"Of sectional contentions and in respect to our common schools I have only this to say: That in my judgment, the man or party that would involve our schools in political or sectarian controversy is an enemy to the schools. The common schools are safer under the protecting care of all the people than under the control of any party or sect. They must be neither sectarian nor partisan, and there must be neither division nor misappropriation of the funds for their support. Likewise I regard the man who would arouse or foster sectional animosities and antagonisms among his countrymen as a dangerous enemy to his country. All the people must be made to feel and know that once more there is established a purpose and policy under which all citizens of every condition, race and color will be secure in the enjoyment of whatever rights the Constitution and laws declare or recognize; and that in controversies that may arise the Government is not a partisan, but within its constitutional authority the just and powerful guardian of the rights and safety of all. The strife between the sections and between races will cease as soon as the power for evil is taken away from a party that makes political gain out of scenes of violence and bloodshed, and the constitutional authority is placed in the hands of men whose political welfare requires that peace and good order shall be preserved everywhere."

How these gentlemen were elected in the November of that year, and how they were defrauded by a shameless conspiracy upon the part of the Republican leaders and the majority of the American voters robbed of their choice for president and vice-president is familiar to all.

Eight years have passed and again Governor Hendricks is called to bear his part in the campaign, the great issue of which is whether honesty or dishonesty shall prevail in the administration of the affairs of government, and Mr. Hendricks bears aloft the banner upon which is inscribed the word honesty.

Record of Blaine.

For the office of President of the United States the Republican party has placed in nomination James G. Blaine, "a candidate," declared by a convention of Republicans to be "an unfit leader, shown by his own words and his acknowledged acts, which are of official record, to be unworthy of respect and confidence; who has traded upon his official trust for his pecuniary gain; a representative of men, methods and conduct which the public conscience condemns, and which illustrate the very evils honest men would reform."

These grave charges, deliberately made against the Republican candidate for President by Republicans, deserve the serious consideration of all men who have the welfare of the country at heart; and to the end that an impartial investigation of Mr. Blaine's fitness or unfitness for the high trust to which he aspires may be had, a brief review is here given of Mr. Blaine's public life in Washington.

Is He Honest?

The first requisite for a candidate for office, according to the Jeffersonian standard, is honesty. Against Mr. Blaine the charge specifically made, and by Republicans, is, that he has traded upon his official trust for his pecuniary gain. The proof is of record, and was furnished by Mr. Blaine himself in what are known as the Mulligan letters.

The Mulligan Letters.

The story of the Mulligan letters is briefly told. They were letters written by Mr. Blaine to Mr. Fisher concerning land grant railroad stocks and bonds, and they were held, with Fisher's consent, by his bookkeeper, James Mulligan. In the spring of 1876 unpleasant rumors of Mr. Blaine's connection with certain railroad transactions were in circulation, and became at last so pressing that he thought it necessary to meet them by a personal explanation in the House of Representatives.

He made this explanation April 24. He stated in explicit terms that a charge against him had been made to this effect: "that a certain draft was negotiated at the house of Morton, Bliss & Co., in 1871, through Thomas A. Scott, then President of the Union Pacific Railroad Company, for the sum of $64,000, and that $75,000 of bonds of the Little Rock and Fort Smith Railroad Company were pledged as collateral; that the Union Pacific Company paid the draft and took up the collateral; that the cash proceeds of it went to me, and that I had furnished or sold or in some way conveyed or transferred to Thomas A. Scott these Little Rock and Fort Smith bonds which had been used as collateral; that the bonds had in reality belonged to me or some friend or constituent of mine for whom I was acting." Mr. Blaine then proceeded to deny this charge absolutely and entirely, declaring it to be "without one particle of foundation in fact, and without a tittle of evidence to substantiate it." In support of his denial he read letters from Thomas A. Scott and from Sidney Dillon, who succeeded Mr. Scott as President of the Union Pacific Railroad. He admitted, however, that he had been the owner of bonds in the Little Rock and Fort Smith road in 1869, but declared that he had paid the full market price for them, and that he had lost over $20,000 by the transaction. He said further that "as to the question of the propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas and not to the railroad company, and that the company derived its life, franchise. and value wholly from the State." And later he repeated that "the Little Rock road derived all it had from the State of Arkansas and not from the Congress." He denied once more the charge against him by declaring that "the story of my receiving $64,000 or any other sum of money, or other thing of value, from the Union Pacific Railroad Company, directly or indirectly, or in any form, for myself or for another, is absolutely disproved by the most conclusive testimony"; and closed by saying, "I have never done anything in my public career for which I could be put to the faintest blush in any presence, or for which I cannot answer to my constituents, my conscience, and the great Searcher of hearts."

April 24, 1876, Cong. Record, 1st Sess., 44th Cong., Vol. 4, pt. 3, p. 2724.

Investigating the Matter.

On May 2, 1876, Mr. Tarbox introduced the following resolution which was agreed to:

Whereas, It is publicly alleged, and not denied by the officers of the Union Pacific Railroad Company, that that corporation did in the year 1871 or 1872 become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction; therefore, be it

Resolved, That the Committee on Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the Committee have power to send for persons and papers.

44th Cong., 1st Sess., H. R. misc. doc. 176, pt. 1, p. 2.

Blaine Makes a Personal Explanation.

Messrs. Hunton, Ashe and Lawrence were appointed a sub-committee of the Committee on Judiciary to conduct the investigation called for by this resolution and one previously adopted directing an inquiry into the management of all the railroads that had been aided by Congress, during the progress of which Mr. Blaine rose to a personal explanation, June 5, 1876, in the course of which he read the following letters:

I.

[Private and personal.]

AUGUSTA, MAINE, August 31, 1872.

MY DEAR MR. FISHER: I have been absent so much of late that I did not receive your last letter until it was several days old. When I last wrote you, I was expecting to be in Boston on a political conference about this time, but I found it impossible to be there, and it is now impossible for me to leave here until after our election, which occurs Monday week, the 9th. I will try to meet you at the Parker House on the 10th or 11th, availing myself of the first possible moment for that purpose.

I cannot, however, allow a remark in your letter to pass without comment. You say that you have been trying to get a settlement with me for fifteen months, you have been trying to induce me to comply with certain demands which you made upon me, without taking into account any claims I have of a counter kind.

This does not fill my idea of a *settlement*, for a *settlement* must include both sides.

No person could be more anxious for a settlement than I am, and if upon our next interview we cannot reach one, why then we try other means.

But my judgment is that I shall make you so liberal an offer of settlement that you cannot possibly refuse it.

As one of the elements which I wish to take into account is the note of $10,000 given you in 1863 for Spencer stock, I desire that you will furnish me with the items of interest on that note. My impression is that when that note was consolidated into the large note, which you still hold, that you did not charge me full interest, possibly omitting one or two years.

I will be obliged if you will give me information on this point, for I intend to submit to you a full and explicit basis of settlement, and in making it up it is necessary that I should have this information. Please send it as promptly as you may be able to give it to me.

In haste, very truly yours,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

II.

[Personal.]

AUGUSTA, MAINE, August 9, 1872.

MY DEAR MR. FISHER: On my return home yesterday I found your favor of 6th from Stonington, asking for my notes, $6,000, on account. It seems to me that a partial settlement of our matter would only lead to future trouble, or at all events to a mere postponement of our present difficulties.

I deem it highly desirable that we should have a conclusive and comprehensive settlement, and I have been eager for that these many months.

The account which you stated June 20, 1872, does not correspond precisely with the reckoning I have made of the indebtedness on the note you hold. You credit me, April 26, 1869, with $12,500 dividend from Spencer Company; but there were two subsequent dividends, one of $3,750, the other of $5,800, of which no mention is made in your statement, though I received in June, 1870, your check for $2,700 or $2,800, which was a part of these dividends, I believe. I think my "cash memorandum" of June 25, 1869, for $2,500, with which you charge me, represented at the time a part of the dividends; but being debited with that, I am entitled to a credit of the dividend.

In other words, as I reckon it, there are dividends amounting to $9,550 due me, with interest since June, 1870, of which I have received only $2,700 or $2,800, entitling me thus to a credit of some $7,500.

Besides the cash memorandum January 9, 1864, $600, which with interest amounts to $904.10, was obviously included in the consolidated note which was given to represent all my indebtedness to you, and which you repeatedly assured me would be met and liquidated in good time by Spencer dividends.

You will thus see that we differ materially as to the figures. Of course each of us is aiming at precisely the facts of the case, and if I am wrong, please correct me. I am sure that you do not desire me to pay a dollar that is not due, and I am equally sure that I am more than ready to pay every cent that I owe you.

The Little Rock matter is a perpetual and never-ending embarrassment to me. I am pressed daily almost to make final settlement with those who still hold the securities—a settlement I am not able to make until I receive the bonds due on your article of agreement with me. That is to me by far the most urgent and pressing of all the demands connected with our matters, and the one which I think, in all equity, should be first settled, or certainly settled as soon as any.

If the $6,000 cash is so important to you, I would be glad to assist in raising the same for you on your notes, using Little Rock bonds as collateral at same rate they are used in Boston, four for one. I think I could get the money here on four or six months on these terms. If I had the money myself, I would be glad to advance it to, but I am as dry as a contribution-box, borrowing, indeed, to defray my campaign expenses.

Very sincerely yours,

J. G. BLAINE.

Warren Fisher, Jr., Esq., Boston.

III.

Augusta, Maine, July 3, 1872.

My Dear Mr. Fisher: I was detained far beyond my expectations in New York and Pennsylvania, being there quite a week. I was in Boston on Monday *en route* home, but I was so prostrated by the heat that I had no strength or energy to call on you.

It seems to me, as I review and recall our several conferences, that we ought not to have any trouble in coming to an easy adjustment, as follows: First, I am ready to fulfill the memorandum held by you in regard to the Northern Pacific Railroad, as I always have been; second, you are ready to consider the land-bonds in my possession as surrendered in payment of the debt to which they were originally held as collateral; third, I am ready to pay you the *full amount* of cash due you on memoranda held by you, provided you will pay me *half the amount* of bonds due me on memoranda held by me, the cash to be paid and the bonds to be delivered at the same time. As to further sale of the share in Northern Pacific Railroad, that could be determined afterward. I am ready to do all in my power to oblige you in the matter.

If we can adjust the first and second points herein referred to, the third might be left, if you desire it, to the future.

Hitherto I have made all the propositions of settlement. If this is not acceptable to you, please submit your views of a fair basis in writing.

Sincerely yours,

J. G. BLAINE.

Warren Fisher, Jr., Esq.

IV.

Washington, April 26.

My Dear Mr. Fisher: Yours of 24th received. There seems to be one great error of fact under which you are laboring in regard to my ability to comply with your request about the $10,000 letter of credit. I would gladly get it for you if I were able; but I have not the means. I have no power of getting a letter of credit from Jay Cooke except by paying the money for it, *and the money I have not got,* and have no means of getting it. *You ask me to do therefore what is simply impossible.* Nothing would give me more pleasure than to serve you if I were able; but my losses in the Fort Smith affair have entirely crippled me, and deranged all my finances. You would, I know, be utterly amazed if you could see the precise experience I have had in that matter. Very bitter, I assure you. Among other things, I still owe nearly all of the $25,000 which I delivered to Mr. Pratt, and this is most harassing and embarrassing to me.

If you will give me the $76,500 of bonds which I propose to throw off as payment of the notes which you say I owe you, I will gladly get your ten-thousand-dollar letter of credit; but if I release those bonds to you, as I propose, you can do the same for yourself.

I am at loss to know what you mean by your repeated phrase that "*I have denied everything.*" *What have I denied?* I do not so much as understand what you mean, and would be glad to have you explain.

You reject the name of Ward Cheney as a friendly referee. Please suggest a name yourself of some one known to both of us. I mean for you to suggest a name in case you do not accept my basis of settlement proposed in my last letter preceding this.

Yours, very truly,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

When do you propose to sail for Europe?

V.

WASHINGTON, D. C., April 22, 1872.

MY DEAR MR. FISHER: Your brief note received. I do not know what you mean by my "not mentioning Northern Pacific and denying everything else."

You have my obligation to deliver to you a specified interest in Northern Pacific, which I was to purchase for you, and in which I never had a penny's interest—direct or indirect. Some months ago you wrote me (twice) declaring that you would not receive the share, but demanding the return of the money. This was impossible, and I therefore could do nothing but wait.

Nothing I could write would make my obligation plainer than the memorandum you hold. Nothing you could write would change my obligation under that memorandum.

The matters between us are all perfectly plain and simple, and I am ready to settle them all comprehensively and liberally. I am not willing to settle those that benefit you and leave to the chances of the future those that benefit me.

I am willing to forego and give up a great deal for the sake of a friendly settlement, and I retain a copy of this letter as evidence of the spirit of the offer I make. I think, if we cannot settle ourselves, a friendly reference would be the best channel, and I propose Mr. Ward Cheney, who stands nearer to you certainly than he does to me. If this name does not suit you, please suggest one yourself.

Very sincerely yours,

J. G. BLAINE.

WARREN FISHER, JR.

VI.

WASHINGTON, May 26, 1864.

MY DEAR SIR: Your favor received. I am very glad, all things considered, that the Government has accepted your proposition to take all your manufacture till first of September, 1865. It gives a straight and steady business for the company for a good stretch of time.

In regard to the tax provision you can judge for yourself, as I send herewith a copy of the bill as reported from the Finance Committee of the Senate and now pending in that body—see pages 148, 149, where I have marked. In looking over the bill you will please observe that all words in italic letters are amendments proposed by the Senate Finance Committee. while all words included in brackets are proposed to be struck out by same committee.

The provision which you inquire about was not in the original bill, but was an amendment moved from the Ways and Means Committee by Mr. Kasson, of Iowa, to whom I suggested it. It is just and proper in every sense, and will affect a good many interests, including your company. I am glad to hear such good accounts of your progress in the affairs of the company, of which I have always been proud to be a member.

Tell Mr. Welles that his brother has been nominated by the Senate for commissary of subsistence, with rank of captain. He will undoubtedly be confirmed as soon as his case can be reached. I will advise as soon as it is done.

In haste, yours truly,

J. G. BLAINE.

WARREN FISHER, JR., Esq.

VII.

WASHINGTON, D. C., April 18, 1872.

MY DEAR MR. FISHER: I answered you very hastily last evening, as you said you wished an immediate reply; and perhaps in my hurry I did not make myself fully understood.

You have been for some time laboring under a totally erroneous impression in regard to my results in the Fort Smith matter. The sales of bonds which you spoke of my making, and which you seem to have thought were for my own benefit, were entirely otherwise. I did not have the money in my possession forty-eight hours, but paid it over directly to the parties whom I tried, by every means in my power to protect from loss. I am very sure that you have little idea of the labors, the losses, the efforts, and the sacrifices I have made within the past year to save those innocent persons, who invested on my request, from personal loss.

And I say to you to-night, solemnly, that I am immeasurably worse off than if I had never touched the Fort Smith matter.

The demand you make upon me now is one which I am entirely unable to comply with. *I cannot do it. It is not in my power.* You say that "necessity knows no law." That applies to me as well as to you, and when I have reached the point I am now at, I simply fall back on that law. You are as well aware as I am that the bonds are due me under the contract. Could I have these I could adjust many matters not now in my power, and so long as this and other matters remain unadjusted between us, I do not recognize the equity or the lawfulness of your calling on me for a partial settlement. I am ready at any moment to make a full, fair, comprehensive settlement with you on the most liberal terms. I will not be exacting or captious or critical, but am ready and eager to make a broad and generous adjustment with you, and if we can't agree ourselves, we can select a mutual friend who can easily compromise all points of difference between us.

You will, I trust, see that I am disposed to meet you in a spirit of friendly cordiality, and yet with a sense of self-defense that impels me to be frank and expose to you my pecuniary weakness.

With very kind regards to Mrs. Fisher, I am, yours truly,

J. G. BLAINE.

W. FISHER, JR., Esq

VIII.

[Personal.]

AUGUSTA, MAINE, October 4, 1869.

MY DEAR SIR: I spoke to you a short time ago about a point of interest to your railroad company that occurred at the last session of Congress.

It was on the last night of the session when the bill renewing the land grant to the State of Arkansas for the Little Rock road was reached, and Julian, of Indiana, Chairman of the Public Lands Committee, and, by right, entitled to the floor, attempted to put on the bill, as an amendment, the Fremont El Paso scheme,—a scheme probably well known to Mr. Caldwell. The House was thin, and the lobby in the Fremont interest had the thing all set up, and Julian's amendment was likely to prevail if brought to a vote. Roots and the other members from Arkansas, who were doing their best for their own bill (to which there seemed to be no objection), were in despair, for it was well known that the Senate was hostile to the Fremont scheme, and if the Arkansas bill had gone back to the Senate with Julian's amendment, the whole thing would have gone on the table and slept the sleep of death.

In this dilemma Roots came over to me to know what on earth he could do under the rules; for he said it was vital to his constituents that the bill should pass. I told him that Julian's amendment was entirely out of order, because not germane; but he had not sufficient confidence in his knowledge of the rules to make the point, but he said General Logan was opposed to the Fremont scheme, and would probably make the point. I sent my page to General Logan with the suggestion, and he at once made the point. I could not do otherwise than sustain it; and so the bill was freed from the mischievous amendment moved by Julian, and at once passed without objection.

At that time I had never seen Mr. Caldwell, but you can tell him that, without knowing it, I did him a great favor.

Sincerely yours,

J. G. BLAINE.

W. FISHER, JR., Esq., 24 India Street, Boston.

IX.

AUGUSTA, October 4, 1869.

MY DEAR MR. FISHER: Find inclosed contracts of the parties named in my letter of yesterday. The remaining contracts will be completed as rapidly as circumstances will permit.

I enclose you a part of the Congressional Globe of April 9, containing the point to which I referred at some length in my previous letter of to-day. You will find it of interest to read it over and see what a narrow escape your bill made on that last night of the session. Of course it was my plain duty to make the ruling when the point was once raised. If the Arkansas men had not, however, happened to come to me when at their wits' end and in despair, the bill would undoubtedly have been lost, or at least postponed for a year. I thought the point would interest both you and Caldwell, though occurring before either of you engaged in the enterprise.

I beg you to understand that I thoroughly appreciate the courtesy with which you have treated me in this railroad matter; but your conduct towards me in business matters has always been marked by unbounded liberality in past years, and, of course, I have naturally come to expect the same of you now. You urge me to make as much as I fairly can out of the arrangement into which we have entered. It is natural that I should do my utmost to this end. I am bothered only by one thing, and that is definite and expressed arrangement with Mr. Caldwell. I am anxious to acquire the interest he has promised me, but I do not get a definite understanding with him as I have with you.

I shall be in Boston in a few days, and shall then have an opportunity to talk the matter over fully with you. I am disposed to think that whatever I do with Mr. Caldwell must really be done through you.

Kind regards to Mrs. Fisher.

Sincerly,

J. G. BLAINE.

W. F., Jr., Esq.

X.

Augusta, Maine, July 2, 1869.

My Dear Mr. Fisher: You ask me if I am satisfied with the offer you make me of a share in your new railroad enterprise.

Of course I am more than satisfied with the terms of the offer. I think it a most liberal proposition.

If I hesitate at all, it is from considerations no way connected with the character of the offer. Your liberal mode of dealing with me in all our business transactions of the past eight years has not passed without my full appreciation. What I wrote you on the 29th was intended to bring Caldwell to a definite proposition. That was all.

I go to Boston by same train that carries this letter, and will call at your office to-morrow at twelve m. If you don't happen to be in, no matter. Don't put yourself to any trouble about it.

Yours,

W. Fisher, Jr. J. G. B.

XI.

Augusta, June 29, 1869.

My Dear Mr. Fisher: I thank you for the article from Mr. Lewis. It is good in itself and will do good. He writes like a man of large intelligence and comprehension.

Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire. I thank you very sincerely for it, and in this connection I wish to make a suggestion of a somewhat selfish character. It is this: You spoke of Mr. Caldwell disposing of a share of his interest to me. If he really designs to do so, I wish he would make the proposition definite, so that I could know just what to depend on. Perhaps if he waits till the full development of the enterprise he might grow reluctant to part with the share; and I do not by this mean any distrust of him.

I do not feel that I shall prove a dead-head in the enterprise if I once embark in it. I see various channels in which I know I can be useful.

Very hastily and sincerely, your friend,

J. G. BLAINE.

Mr. Fisher,
India street, Boston.

XII.

WASHINGTON, May 14, 1870.

MY DEAR MR. FISHER: I think, on the whole, I had better not insist on the $40,000 additional bonds at same rate. My engagement was not *absolute*, and I can back out of it with honor. I would rather do this than seem to be exacting or indelicate.

Besides, I have always felt that Mr. Caldwell manifested the most gentlemanly spirit toward me, and designed to treat me handsomely in the end. On the whole, therefore, I shall be better off perhaps to let things remain as they are. But I will follow your judgment in this matter if I can find what it is.

Very hastily,

J. G. BLAINE.

W. FISHER, ESQ.

XIII.

AUGUSTA, October 1, 1871.

MY DEAR MR. FISHER: I am doing all in my power to expedite and hasten the delivery of that stock. The delay has been occasioned by circumstances wholly beyond my control. But I shall reach a conclusion within a few days and make the formal delivery then. It will be an immense relief to get it off my hands, I assure you; far greater than it will be for you to receive it.

You must have strangely misunderstood Mr. Caldwell in regard to his paying those notes. He has paid me in all just $6,000, leaving $19.000 due, which I am carrying here at 8 and 8½ per cent. interest, and which embarrasses me beyond all imagination. I do not really know which way to turn for relief, I am so pressed and hampered. The Little Rock and Fort Smith matter has been a sore experience to me, and if you and Mr. Caldwell between you cannot pay me the $19,000 of borrowed money, I don't know what I shall do. Politically I am charged with being a wealthy man. Personally and pecuniarily I am laboring under the most fearful embarrassments, and the greatest of all these embarrassments is the $19,000 which I handed over under your orders, and not one dollar of which I have received. Of the $25,000 original debt, Mr. Caldwell has paid $6,000, and $6,000 only. Can you not give me some hope of relief in this matter? It is cruel beyond measure to leave me so exposed and so suffering.

You know my profound regard for you and my faith in you. We have been friends too long and too intimately to allow a shade between us now.

Yours truly,

J. G. BLAINE.

XIV.

AUGUSTA, MAINE, October 4, 1871.

MY DEAR MR. FISHER: You must have strangely misunderstood Mr. Caldwell's statement in regard to his paying me all but $2,500 of the $25,000 borrowed money which I loaned the company through him and you last January. Mr. Caldwell paid me in June $3,500, and in July $2,500 more, accepting at same time a draft for $2,500, July 10, ten days, which draft remains unpaid. I have, therefore, received but $6,000 from Mr. Caldwell, leaving $19,000 (besides interest) due me to-day.

For this $19,000 I am individually held, and, considering all the circumstances, I think you and Mr. Caldwell should regard it as an honorary debt, and you should not allow me to suffer for money which I raised under the peculiar circumstances attending this. It is a singularly hard and oppressive case, the features and facts of which are familiar to you and Mr. Caldwell.

And then, again, I have been used with positive cruelty in regard to the bonds.

I have your positive written contract to deliver me $125,000 land bonds and $32,500 first-mortgage bonds. The money due you on the contract was all paid nearly a year and a half ago. Of this whole amount of bonds due me I have received but $50,000 land grants, leaving $75,000 of those and $32,500 first-mortgage still due. I know you are pressed and in trouble, and I don't wish to be too exacting; rather I wish to be very liberal in settlement.

Now, I make this offer: Pay me the cash due on the borrowed money account; call it $19,000 in round numbers, and $40,000 land bonds, and we will call it square.

Mr. Caldwell has repeatedly assured me that I should be paid all the bonds due me under contracts with you, and outside of that $20,000 due me from him. I now voluntarily offer to make a very large reduction if I can have the matter closed.

I am without doubt the only person who has paid money for bonds without receiving them, and I think you will agree with me that I have fared pretty roughly. It would be an immense, immeasurable relief to me if I could receive the money in time to pay off the indebtedness here within the next six weeks, so that I can go to Washington this winter with the load taken off my shoulders. It was placed there in the fullest faith and confidence that you and Mr. Caldwell would not let me suffer. I still cling to that faith and confidence. You will much oblige me by showing this letter to Mr. Caldwell.

Yours, very truly,

J. G. BLAINE.

W. Fisher, Jr., Esq., Boston.

XV.

Washington, D. C., April 13, 1872.

My Dear Mr. Fisher: I have your favor of the 12th. I am not prepared to pay any money just now in any direction, being so cramped and pressed that I am absolutely unable to do so. Please send me a copy of the notes of mine held by you with indorsed payments thereon.

I would have been glad, instead of a demand upon me for payment of notes, if you had proposed a general settlement of all matters between us that remain unadjusted. There is still due to me on articles of agreement between us $70,000 in land bonds, and $31,000 in first-mortgage bonds, making $101,000 in all. For these bonds the money was paid you nearly three years ago, and every other party agreeing to take bonds on same basis has long since received its full quota. I alone am left hopeless and helpless, so far as I can see. Then there is the $25,000 which I borrowed and paid over, under your orders, to Mr. Pratt, for which I have received no pay. Mr. Caldwell paid me a small fraction of the amount as I supposed, but he now says the money he paid me must be credited to another account on which he was my debtor, and that he denies all responsibility, past, present, and future, on the $25,000, for the payment of which I must, he says, look solely to you. I only know that I delivered the money to Mr. Pratt on your written order. I still owe the money in Maine, and am carrying the greater part of it at 8 per cent.—nearly $2,000 per annum steady draw on my resources, which are slender enough without this burden.

Still further, I left with Mr. Mulliken, January, 1871, $6,000 in land-grant bonds Union Pacific Railroad, to be exchanged for a like amount of Little Rock land bonds *with Mr. Caldwell,* he to change back when I desire. Mr. Caldwell declined to take them, and you took them without any negotiation with me or any authority from me in regard to the matter. You placed the Little Rock land bonds in the envelope, and I have the original envelope with Mr Mulliken's indorsement thereon of the fact of the delivery to you. Now, I do not complain of your taking the bonds, provided you hold yourself bound to replace them. The worst of the whole matter was that the bonds were only a part mine, and I have had to make good the others to the original owner.

There are other matters to which I would refer ; but my letter is already long.

I do not think, under the circumstances, it would be quite wise or kind in you to place any note or notes of mine that may happen to be in your possession in the hands of third parties as collateral.

In any event I ask as a simple favor that you will not do so, and that you will send me by return mail a copy of all obligations of mine in your possession.

Mrs. Blaine joins me in very kind regards to Mrs. Fisher, and in the expression of the hope that you may have a pleasant and profitable tour in Europe.

Sincerely yours,

WARREN FISHER, JR., Esq. J. G. BLAINE.

In response to the request of Mr. Glover, Mr. Blaine sent to the Clerk's desk to be read the memorandum of Mr. Mulligan, containing a brief statement of the contents of each letter. It will be noticed that the letters read by Mr. Blaine were not in the order stated in Mr. Mulligan's memorandum. They have been printed here in the order in which they were read by Mr. Blaine.

The Clerk read as follows :

No. 1. October 4, '69, relating to debate in the House and Blaine's ruling, and favors he was to receive from C. for pressing bill extending time on first twenty miles.

MR. BLAINE—That is what Mr. Mulligan puts down as the substance of the letters.

The Clerk continued the reading as follows :

No. 2. October 4, '69, on same subject.

No. 3. June 27, '69, thanking Fisher for admitting him to participation in L. & F. R. R., and urging him to make call ; say how much he would give him, and for what. He knew he would be no dead head, but would render valuable assistance.

No. 4. July 25, '69, on the same subject.

No. 5. September 5, '69, contract with different parties.

No. 6. Contract with Northern Pacific.

No. 7. May 14, '70, Caldwell designs to treat him handsomely in the end.

No. 8. October 24, '71, Fisher to Blaine, urging settlement of N. P. R. account, $25,000.

MR. BLAINE—There was no such letter in the package. The letter he speaks of seems to have been a letter from Mr. Fisher to myself. There was no such letter in the package ; and the numbers he gives do not call for it. There are fifteen letters and three pieces of paper. At any rate that was not a letter from me.

The Clerk continued the reading as follows :

No. 9. October 4, '71, Blaine admits that there was $6,000 paid on the $25,000 loan and to have received $50,000 from Fisher.

No. 10. October 1, '71, admits being paid $6,000 on account of loan.

Mr. Blaine sold sundry parties $125,000 in first mortgage bonds, and common stock $125,000, preferred stock $125,000; for which was paid by them $125,000 cash; and Mr. Blaine was to receive for his share of the transaction $125,000 in land-grant bonds, and $32,500 in first-mortgage bonds. Total, $157,500.

Now, calling land and first mortgage bonds equal in value, and stock valueless for $125,000 plus $157,000 equals $282,000 bonds; cash $25,000 equals $44\frac{28}{113}$ per cent.

Mr. Blaine also sold sundry parties $63,000 bonds and $56,000 stock for cash $43,150.

$15,150 less cash paid Mr. Blaine for his share in the transaction.

$28,000 net cash received by Mr. Fisher for the above $63,000 bonds and $56,000 stock, equal $44\frac{28}{63}$ per cent. for the bonds, calling stock nothing.

Mr. Blaine in final settlement, September 21, 1872, claimed only $101,000 bonds due December letter (December 3, '72); he previously received $61,000, and was to look to Caldwell for balance.

Sept. 21, '72, received $40,000.

No. 11. Apl. 13, 1872, saying there was $101,000 bonds due him, and claiming that there was due him on Union Pacific bonds exchanged $6,000, and admitting that there were some of them his own.

No. 12. Apl. 18, 1872, admits the $64,000 sale bonds, and paid the money over in forty-eight hours to Maine parties.

No. 13. Aug. 9, '72, as dry financially as a contribution-box, and borrowing money to defray his campaign expenses.

No. 14. Aug. 31, '72, about settlement.

No. 15. May 26, '64, says he was a partner in the Spencer Rifle Co.

The following papers were printed with Mr. Blaine's speech:

Foot-note—Papers I. J, and K, found with the letters surrendered by Mulligan, are hereto appended. The papers relating to the Northern Pacific road are not remembered by Mr. Blaine, the handwriting is not known to him, and he can recall no connection with them in any respect. They are, however, quite unimportant.

I.

Cost of $\frac{1}{8}$ of 1 share, $466,667, is......................	$58,333
$\frac{1}{8}$ of $416,667, to receive in bonds, is at par $52,083, at 90c., would be..............................	46,875
	$11,458

for which you will get $\frac{1}{8}$ of 541,234 stock, which is $67,654; and when the road is finished you will get $\frac{1}{8}$ of 3,416,708, which is 427,088 in stock, besides your interest in the Land Company, which is proportionate. Bonds at par would make the above amount of stock cost about $6,250,

J.

Whereas, under certain agreements with the Northern Pacific Railroad Company, dated May 20, 1869, and January 1, 1870, Messrs. Jay Cooke & Co. have become fiscal agents for the negotiations of the securities of said company upon the terms therein stated; and whereas, under said agreements, Jay Cooke & Co. become possessed of twelve of the twenty-four interests constituting the company and representing its franchises; and whereas, Jay Cooke & Co., for the purpose of furnishing funds under their agreements as fiscal agents, for the construction and equipment of the road from its intersection with the Lake Superior and Mississippi Railroad to the Red River, near the mouth of the Cheyenne, a distance of about two hundred and twenty-five miles, forming a complete road from Lake Superior to the Red River, have offered to the subscribers, for the first five millions of dollars of the first-mortgage bonds of the company, the following terms, namely:

The subscribers to purchase of Jay Cooke & Co. the said bonds bearing 7.3 gold interest at par, $5,000,000, and twelve interests in the company at $50,000 each, $600,000, amounting in all to $5,600,000; or, say twelve shares of $466,667 each, to be paid for in installments extending through about fifteen months, as the funds may be required by the company, for which each share shall receive as follows :

Bonds, one-twelfth of $5,000,000................		$416,667
Preliminary issue of stock.......................	$93,400	
Twenty per cent. stock commissions on bonds....	83,334	
		476,734

and $40,500 stock upon completion of each section of twenty-five miles of the road.

Thus, upon completion to Red river, estimating the distance at two hundred and twenty-five miles (nine sections of twenty five miles each), each share will have received nine times $40,500, equal to $364,500, in addition to previously stated $176,734, say $541,234 stock ; and this proportionate issue continuing with the progress of the road, upon completion to the Pacific each share will have received in all $416,667 bonds and $3,416,708 stock (the fractions in all cases being adjusted in even figures). and the entire five millions of bonds will thus carry with them a total of $41,000,500 stock.

It is designed in addition to organize a private land company for the purchase and sale of desirable town sites and other valuable lands, from which large profits are anticipated ; the interests in such company to be held in the same proportion with the subscriptions to the present agreement, and the funds required to be assessed correspondingly from time to time, of course, with the consent of the parties.

Upon the foregoing terms, we, the undersigned, subscribe the shares and portions of shares set opposite our names, to be paid for in installments as called, the bonds to carry interest from date of payments.

It is also hereby agreed by the subscribers, whose names are hereby annexed, that they will leave with Jay Cooke & Co. their proxies on all stock acquired under the terms of this agreement, and that they will not dispose of any of the first mortgage bonds subscribed for, unless with the consent of said Jay Cooke & Co., or until such sales shall cease to interfere with the plans of the fiscal agents, for providing of necessary funds for the completion and equipment of the whole line of road.

K.

BOSTON, September 5, 1869.

Whereas I have, this day, entered into agreements with A. & P. Coburn, and sundry other parties resident in Maine, to deliver to them certain specified amounts of the common stock, preferred stock, and first-mortgage bonds of the Little Rock and Fort Smith Railroad Company, upon said parties paying to me the aggregate sum of $130,000, which several agreements are witnessed by J. G. Blaine and delivered to said parties by said Blaine.

Now this agreement witnesses, that upon the due fulfilment of the several contracts referred to, by the payment of the $130,000, and for other valuable considerations, the receipt of which is acknowledged, I hereby agree to deliver to J. G. Blaine, or order, as the same come into my hands as assignee of the contract for building the Little Rock & Fort Smith Railroad, the following securities, namely: Of the land bonds, 7 per cents., $130,000 ; of the first-mortgage bonds, gold, sixes, $32,500. And these $130,000 of land bonds and $32,500 of first-mortgage bonds thus agreed to be delivered to said Blaine are over and above the securities agreed to be delivered by Warren Fisher, Jr., assignee, to the parties making the contracts, which parties, with the several amounts to be paid by each, and the securities to be received by each, are named in a memorandum on the next page of this sheet.

And it is further agreed that in the event of any one of said parties failing to pay the amount stipulated, then the amount of securities to be delivered to said Blaine under this agreement shall be reduced in the same proportion that the deficit of payment bears to the aggregate amount agreed to be paid.

WARREN FISHER, JR., Assignee.

Witness :

ALVAN R. FLANDERS.

[Stamp.]

Parties Contracting with Warren, Fisher, Jr., Assignee, as Referred to in preceeding Agreement.

		TO PAY	TO RECEIVE		
		Cash.	Common stock.	Preferred stock.	First-mortgage bonds.
1.	A. & P. Coburn	$50,000	$50,000	$50,000	$50,000
2.	Peter F. Sanborn	10,000	10,000	10,000	10,000
3.	Anson P. Morrill	10,000	10,000	10,000	10,000
4.	Ralph C. Johnson	10,000	10,000	10,000	10,000
5.	P. R. Hazeltine	5,000	5,000	5,000	5,000
6.	C. B. Hazeltine	5,000	5,000	5,000	5,000
7.	N. P. Monroe	5,000	5,000	5,000	5,000
8.	A. W. Johnson	5,000	5,000	5,000	5,000
9.	H. H. Johnson	5,000	5,000	5,000	5,000
10.	Philo Hersey	5,000	5,000	5,000	5.000
11.	Lot M. Morrill	5,000	5,000	5,000	5,000
12.	A. B. Farwell	5,000	5,000	5,000	5,000
13.	Joseph H. Williams	5,000	5,000	5,000	5,000
14.	Charles M. Bailey	5,000	5,000	5,000	5.000
		$130,000	$130,000	$130,000	$130,000

In addition to the above, there are to be delivered to J. G. Blaine's order of the land bonds in 7s., currency, $130,000; first-mortgage bonds, 6s., gold, $32,500.

Cong. Record 1st Sess. 44th Cong., Vol. 4, pt. 4, pp. 3602–3603, 3604–3605, 3606, 3607, 3608 3609, *et seq.*

It will be noted by the reader that Mr. Blaine in presenting these letters did not present them in the order of their dates, but purposely juggled them so as to confuse the judgment and to prevent his hearers gathering their full purport.

How Blaine Obtained the Letters.

Mr. Fisher was the contractor for a portion of L. R. & F. S. R. R., and was also in business in Boston as partners with a brother-in-law of Mr. Blaine. Mr. Mulligan was cashier of the Adams' Sugar Refinery, Boston, in which Mr. Fisher was a partner, and was also bookkeeper for Mr. Fisher. Mr. Mulligan had in his possession by Mr. Fisher's consent (see testimony of Mr. Fisher, Misc. Doc. 176, page 118), certain letters written in 1864–72 by Mr. Blaine to Mr. Fisher, and which Mr. Blaine supposed to have been given back to him in Sept. 1872. (Testimony of Mr. Blaine, Misc. Doc., 176, page 107.)

When Mr. Mulligan reached Washington and before he testified, Mr. Blaine sent to ask Mr. Mulligan to call upon him, which the latter declined to do, whereupon Mr. Blaine called upon Mr. Mulligan at the Riggs House, and found him in the barber shop. The next day (May 31), Mr. Mulligan was sworn and examined as a witness (Misc. Doc., 176, page 93). He mentioned but did not exhibit any letters. What then occurred was stated by Mr. Hunton in his remarks in the House, as follows:

> In the course of his examination the first day Mr. Mulligan was testifying very quietly; there was no excitement in the committee room at all when he happened to mention that he had in his possession certain letters written by Mr. Blaine to Warren Fisher, Jr. The mention of these letters seemed to have a remarkable effect upon Mr. Blaine, for in a moment or two afterward he whispered to Mr.

Lawrence, the Republican member of that committee, "Move an adjournment." It so happened that I heard the suggestion. Mr. Lawrence got up with great solemnity on his countenance and said, "Mr. Chairman, I am very sick and I hope the committee will adjourn." [Laughter.]

Mr. Lawrence rose.

Mr. Hunton—I hope the gentleman is better to-day.

Mr. Lawrence—Will my colleague on the committee allow me to ask a question or make a statement?

Mr. Hunton—Certainly.

Mr. Lawrence—I will ask my colleague whether, when I went into the committee-room on that morning, the first thing I said to him before I had spoken to anybody else, was not that I had been exceedingly sick during the night? [Laughter.] I had been to Baltimore on the day before; and though I had not indulged in anything that would necessarily make me sick, yet I was extremely sick, so much so that it was with difficulty I sat there at all. I said simply what was true when I said that I was extremely unwell; and as the gentleman knows I have been quite unwell ever since. [Laughter.]

Mr. Frye—What time was it when it was proposed to adjourn?

Mr. Lawrence—It was then half-past twelve o'clock, half an hour beyond the time when the committee usually adjourns to attend the sittings of the House. Now, my friend says that he heard the remark of Mr. Blaine asking me to move to adjourn. It was not necessary that I should state what Mr. Blaine had said to me.

Mr. Hunton—Nobody asked you to do so.

Mr. Lawrence—The gentleman says he heard it; but it was not necessary that I should state every ground for asking the adjournment.

Mr. Hunton—Certainly not.

Mr. Lawrence—It was sufficient that I deemed it necessary to ask an adjournment. [Laughter.]

Mr. Hunton—The gentleman has stated the matter exactly as it occurred. He did come in in the morning sick.

Mr. Lawrence—Yes, sir.

Mr. Hunton—But he went to work in a most vigorous style for two hours.

Mr. Lawrence—But I became exhausted.

Mr. Hunton—When those letters were mentioned the gentleman became sick, and somebody else sicker. [Laughter.] And the motion to adjourn was made at his suggestion.

Mr. Lawrence—It ought to be said in justice to Mr. Blaine that so far as anything said by him to me could indicate his purpose, the motion to adjourn suggested by him was not caused by any fear of what was going on.

Thereupon the committee adjourned until ten o'clock the next morning; and when the committee met James Mulligan was put upon the stand again to complete his examination which had been interrupted by the adjournment.

Mr. Mulligan makes a Personal Explanation.

Mr. Mulligan said, June 1 (Mis. Doc. 176, pt. 1, p. 98):

I wish to ask the indulgence of the Committee for a few moments to make a personal, and to me, a painful statement. When I first arrived in this city, and within about fifteen minutes after my arrival, there came a communication from Mr. Blaine to Mr. Fisher. Of course, I wish it understood that I am stating this under oath.

Mr. Hunton—We so understand it.

Mr. Mulligan—There came a communication from Mr. Blaine, inviting Fisher and me up to his residence. I declined to go, for the reason that I did not want to have it said that I had gone to see Mr. Blaine. I wanted to come to this committee-room untrammeled by any influence. Mr. Fisher went up to Mr. Blaine's house, or at least, he so reported to me; and he told Mr. Blaine about certain facts that I could prove, and certain letters that I had got. Mr. Blaine said that if I should publish them they would ruin him for life, or that if this committee got hold of them they would ruin him for life, and wanted to know if I would not surrender them. I told him "no," and that I would not give them to the committee unless it should turn out that it was necessary for me to produce them. After my examination here yesterday, Mr. Blaine came up to the hotel, the Riggs House, and there had a conference with Mr. Atkins, Mr. Fisher, and myself. He wanted to see these letters that I had. I declined to let him see them. He prayed, almost went on his knees—I would say, on his knees—and implored me to think of his six children and his wife, and that if the committee should get hold of this communication it would sink him immediately and ruin him forever. I told him I should not give them to him. He asked me if I would let him read them. I said I would if he would promise me on the word of a gentleman that he would return them to me. I did let him read them over. He read them over once and called for them again and read them over again. He still importuned me to give those papers up. I declined to do it. I retired to my own room and he followed me up, and went over the same history about his family and his children, and implored me to give them up to him, and even contemplated suicide. He asked me if I wanted to see his children left in that state, and he then asked me again if I would not let him look over these papers consecutively (I had them numbered). I told him I would if he would return them to me. He took the papers, read them all over, and among them I had a memorandum that I had made by way of synopsis of the letters, and referring to the numbers of the letters—a synopsis containing the point of the letters. I had made that memorandum so as to be able to refer to here when questioned. He asked me to let him read the letters and I showed him this statement too. After he had them read, he asked me what I wanted to do with those papers; if I wanted to use them. I told him I never wanted to use the papers, nor would not show them to the commitee unless called upon to do so. Then he asked me if I would not give them to him. There was one letter in particular that he wanted me to give him. I told him I would not do it, and the only reason I would not do it was because I saw it stated in one of the evening papers here, the *Star*, I think, that the Blaine party were going to completely break down the testimony that I had given yesterday—that they were satisfied about that. I said I should not publish these letters unless my testimony were impeached or impugned. That was the only reason that I wanted to keep them, but I wanted to keep them for that purpose. These are the facts, gentlemen, and I leave them to you. If I understand the order under which the committee meets, this committee has power to send for persons and papers, and I want the committee to get for me those papers. Mr. Blaine has got them, and would not give them up to me.

By Mr. LAWRENCE—Mr. Blaine has these papers? A. Yes; he took them from me last night.

To Mr. LAWRENCE—No one was present but Mr. Blaine and I. * * I did not get them (the letters) surreptitiously. They were given to me by Mr. Fisher for any purpose I deemed proper.

To Mr. ASHE—Mr. Blaine has the memorandum.

Blaine Offers Mulligan a Consulship.

The examination of Mr. Mulligan was continued at some length. He stated that Mr. Blaine asked him if he would not like a consulship. Mr. Blaine, though present, did not ask the witness any questions about the way in which he had lost possession of the letters. On the same day Mr. Blaine made a statement to the Committee, under oath, admitting that he had received the letters from Mr. Mulligan on his promise to return them, and that he had returned them once; that later he secured them again and refused to restore them, assigning as his reason that Mr. Mulligan threatened to publish them if his testimony were impeached or impugned. [Mis. Doc. 176. pt. 1, p. 106.]

The Chairman (Mr. Hunton) asked of Mr. Blaine the production of the letters obtained from Mr. Mulligan. This Mr. Blaine declined to do; he declined, also, to produce, in answer to the request of the Chairman, the memorandum made by Mr. Mulligan of the contents of the letters (Mis. Doc. 176, pt. 1, p. 108). This was June 1. June 5, Mr. Blaine read in the House the letters above given, and which he described as every "scrap and scrimption" of what he had got from

Mulligan. June 10, Mr. Hunton again, on behalf of the Committee, requested the production of the letters and accompanying memorandum, and Mr. Blaine again refused. It was about this time Mr. Blaine had his timely sunstroke. The Committee held no further sessions.

From the testimony, it appears that Mr. Blaine, at the beginning of the investigation, did not know the letters were in the possession of Mr. Mulligan; that when the latter stated to the Committee that he had certain letters of Mr. Blaine's to Mr. Fisher, Mr. Blaine turned to the Republican member of the Committee, Mr. Lawrence, and entreated him to have the Committee adjourn; that the Committee did adjourn, and that Mr. Blaine visited Mr. Mulligan the same evening at his hotel, and begged him to give him the letters, and that his entreaty failing, he obtained possession of them by fraud, and refused to produce them when called upon by the Committee to do so. Whether all the contents of these letters were read by Mr. Blaine in the House or not, cannot be known, but it is certain that he refused to produce them where he could be examined under oath as to their contents. They were not read by him in chronological order, and although these letters have been published in newspapers in every State in the Union, and made the evidence for the charge of corruption in office, it is not recorded that the Plumed Knight, so prompt to fly to the defense of his honor, has ever instituted a suit for libel against any of the newspapers that have charged him with trading upon his official trust for his pecuniary gain; nor did he, while Senator, ask an investigation to demonstrate his innocence. To the grand inquest of the American people the evidence of his guilt is submitted, and their sober judgment may confidently be relied upon to punish wrong and uphold the right.

Statement Concerning the Little Rock and Fort Smith Railroad Transactions, Arranged Chronologically.

AUTHORITIES.

Mr. Blaine's speeches and letters; the "Congressional Globe" and "Record;" evidence taken before the Judiciary Committee of the House of Representatives, 44th Cong., 1st Sess. H. R. Mis. Doc. 176, pt. 1.

EVIDENCE.

A charter had been granted for a railroad from Little Rock to Fort Smith in 1853, which had lapsed.

July 28, 1866, the charter was renewed with some additions. (See "Cong. Globe," 1st Sess. 39th Cong., appendix p., 422, and Laws of the U. S., Chap. CCC, for full text of this act.)

In 1869 this charter was in danger of lapsing, as the first twenty miles, required to be built within three years from the date of the act, were not completed.

April 8, 1869, a bill to extend the time for the Little Rock and Fort Smith Railroad Company to complete the first section of twenty miles of said road was before the House, Mr. Blaine, Speaker, in the chair. Mr. Julian offered an amendment to the bill granting certain privileges to the Memphis, El Paso and Pacific Railroad. Whereupon Mr. Logan said:

Mr. Logan—I rise to a question of order, that this amendment is not germane to the pending bill. The bill is to revive a certain land grant and to extend the time, while the amendment is another charter for a Pacific Railroad, authorizing the building of bridges, granting the right of way and everything else of the sort. I have been in favor of the pending Arkansas bill, but I do not wish to be made to carry this Pacific Railroad bill. I do not think the amendment is in order.

THE SPEAKER—The Chair sustains the point of order for two reasons. It is expressly prohibited by the rule that where a land grant is under consideration another grant to a different company shall be entertained. This is not a specific land grant, but it does give away the public land of the United States so far as to give the right of way. Again, by the rules, no proposition upon a subject different from that under consideration can be admitted under color of amendment.

Compare letter of October 4, 1869, No. VIII., wherein Mr. Blaine states that he sent his page to Mr. Logan with the suggestion that he at once make the point of order, and requesting Fisher to tell Mr. Caldwell the great favor he had done him, and the following statement made by Mr. Blaine in his speech of April 24, 1876:

"As to the question of propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas, and not to the railroad company, and that the company derived its life, franchise, and value wholly from the State."

The conclusion cannot be resisted after a perusal of Mr. Blaine's letter (No. VIII.) that the statement above quoted from his speech of April 24, was one he knew to be untrue when he uttered it. It is obvious that had the State of Arkansas been the beneficiary, Mr. Blaine could have rendered no "great favor" to Caldwell.

The Act Concerning Which Blaine was not a Deadhead.

The following is the text of the act:

Chap. xxvi. An Act to extend the Time for the Little Rock and Fort Smith Railroad Company to complete the first section of twenty miles of said road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act approved July twenty-eight, eighteen hundred and sixty-six, entitled "An act to revive and extend the provisions of 'An act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point upon the Mississippi river, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary near Fulton in Arkansas, with branches to Fort Smith and the Mississippi river,' approved February nine, eighteen hundred and fifty-three, and for other purposes," be so amended as to extend the time of the Little Rock and Fort Smith Railroad Company, for building the first section of twenty miles provided for in the second section of said act, for the term of three years from the thirteenth day of May, eighteen hundred and sixty-seven, the time of filing the certificate of organization to said company, provided for in the third section of said act;

Provided, That the land granted by the act hereby revived shall be sold to actual settlers only in quantities not greater than one quarter of a section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre.

Approved, April 10, 1869.

June, 1869, Mr. Blaine desired a definite proposition concerning an interest in the Little Rock and Fort Smith Railroad, as is shown by his letters of June 29 (No. XI.), and July 2 (No. X.), which see.

September 5, 1869, Mr. Blaine had been acting as agent for a valuable consideration in placing bonds of the Little and Rock Fort Smith Railroad. (See Appendix K, *ante*). Compare the terms of the agreement contained in Appendix K with the statement of Mr. Blaine, April 24, 1876:

"In common with hundreds of other people in New England, and other parts of the country, I bought some of these bonds—not a very large amount—paying for them at precisely the same rates others paid." And again: "That instead of receiving bonds of the Little Rock and Fort Smith Railroad as a gratuity, I never had one except at the regular market price."

The speech of Mr. Blaine is again contradicted by his letters. If he bought these bonds "paying for them precisely the same rates as others paid," what could he mean by writing to Mr. Fisher June 29, 1869 (No. XI):

"Your offer to admit me to a participation in the new railroad enterprise is in every respect as generous as I could expect or desire."

And under date of July 2, 1869 (No. X):

"Of course I am more than satisfied with the terms of the offer; I think it a most liberal proposition."

And again:

"You spoke of Mr. Caldwell's offer to dispose of a share of his interest to me; I wish he would make the proposition definite, so that I could know just what to depend on?"

And further:

"I am bothered by only one thing, and that is definite and expressed arrangements with Mr. Caldwell. I am anxious to acquire the interest he has promised me."

It is manifest that these expressions refer to more than permission to buy the bonds at the same rates paid by others.

The testimony of Mr. Mulligan bears on this point.

Examination of Mr. Mulligan.

By Mr. Blaine:

Q. What were the bonds that went to the Maine parties? what denomination of bonds were they, land grants or first mortgage bonds?

A. (Referring to memorandum.) I can tell you, sir, and I presume you won't dispute it, because it is in your own handwriting. (Producing memorandum book labeled, "Warren Fisher, Jr., private," which he hands to the chairman.) There are all the parties' names, if you want them. You can have the whole history now.

By Mr. Hunton:

Q. In whose handwriting is this book?

A. James G. Blaine's.

The Chairman—Now proceed to answer the question.

The Witness—The $130,000 bonds that were sold to these different parties here were first mortgage bonds.

By Mr. Blaine:

Q. They were first mortgage and not land grant bonds?

A. Yes; the next sale was on a different "lay" from that other.

By Mr. Hunton:

Q. Was that to Maine parties?

A. Yes; and sold on a different basis; one man had $8,000 land grant bonds and $10,000 first mortgage bonds; that was $18,000 for one man; another man had $6,000 land grant bonds and $7,500 first mortgage bonds; another had $9,000 land grant bonds and $11,250 first mortgage bonds.

Q. Were all the sales which you have referred to made by or through Mr. Blaine?

A. Yes.

Q. And in addition to the bonds you have just spoken of as coming to these purchasers, what sort of bonds did Mr. Blaine get?

A. He was to get $130,000 of land grant bonds and $32,500 of first mortgage bonds.

By Mr. Blaine:

Q. You do not testify that I actually got these?

A. No, sir; I say there is about $36,500 that are due you yet.

By Mr. Hunton:

Q. That is, he got all except thirty-six bonds?

A. Yes.

By Mr. FRYE :

Q. Do you know whether they were sent to him or to the Maine men?

A. I know that the men paid their subscriptions to me, and I gave receipts for them.

Q. But do you know that Mr. Blaine got his?

A. I sent the other parties' bonds to them by express, and Mr. Blaine got his.

By Mr. HUNTON :

Q. You sent by express the bonds to the Maine party, and delivered to Mr. Blaine his in person?

A. No; I didn't deliver them to him in person, but Mr. Fisher did so. Mr. Blaine has acknowledged that he got all those. I gave him myself one lot of forty.

Q. He got all those $130,000 land bonds and $32,500 first mortgage bonds, except $36,000; that is to say, thirty-six bonds?

A. Yes.

The following are the contents of the memorandum book produced by the witness, and which is labeled on the outer cover:

"*Warren Fisher, Jr., private.*"

[*First page of mem. book.*]

Synopsis on next and following pages of the contracts made through J. G. Blaine by Warren Fisher, Jr., as assignee of the contract for building the Little Rock & Fort Smith Railroad.

[*Second and third pages of mem. book.*]

Contracts made by Warren Fisher, Jr., with the following-named persons to deliver the stock and bonds named, on their paying the amounts named:

NAME.	RESIDENCE.	TO PAY.	TO RECEIVE.		
			Common Stock	Preferred Stock.	First m. Bonds.
A. & P. Coburn	Skowhegan	$50,000 √	$50,000	$50,000	$50,000
× Peter F. Sanborn	Augusta	10,000	10,000	10,000	10,000
× Anson P. Morrill	Readfield	10,000 √	10,000	10,000	10,000
× Ralph C. Johnson	Belfast	√10,000	10,000	10,000	10,000
× P. R. Hazeltine	"	√5,000	5,000	5,000	5,000
× C. B. Hazeltine.	"	√5,000	5,000	5,000	5,000
× N. P. Monroe	"	√5,000	5,000	5,000	5,000
× A. W. Johnson (dec'd)	"	√5,000	5,000	5,000	5,000
× H. H. Johnson	"	√5,000	5,000	5,000	5,000
× Philo Hersey	"	√5,000	5,000	5,000	5,000
× Lot M. Morrill	Augusta	√5,000	5,000	5,000	5,000
× A. B. Farnell	"	5,000	5,000	5,000	5,000
*Jos. H. Williams	"	5,000	5,000	5,000	5,000
× C. M. Bailey	Winthrop	√5,000	5,000	5,000	5,000
		$130,000	$130,000	$130,000	$130,000

[* The name, Jos. H. Williams,—"$5,000," is erased in pencil.] (See over.)

[*Fourth page of memorandum book.*]

In addition to the common stock, preferred stock, and first mortgage bonds agreed to be delivered to the respective parties named on the preceding page, Mr. Fisher agrees to deliver to James G. Blaine a similar amount of land bonds and 25 per cent. of first-mort. bonds, viz.:

Land bond, 7s	$130,000
First-mortgage bonds, 6s	32,500

The same to be del'd by Mr. Fisher as soon as ready for distribution.

[*Fifth page of memorandum book.*]

The other contracts on different bases are as follows:

1. With Joseph A. Sanborn and Charles M. Bailey, Mr. Fisher agrees to deliver—

$8,000 common stock.
+8,000 preferred stock.
8,000 land bonds.
10,000 first-mortgage bonds.

All for 12,500, payable—

$600	$3,000, November 25, 1869.
$2,200	3,000, December 5, 1869.
$1,700	2,500, January 5, 1870.
	800, February 5, 1870.
	800, March 5, 1870.
	800, April 5, 1870.
	800, May 5, 1870.
	800, June 5, 1870.
	12,500

The amounts inclosed on left-hand margin above $600, $2,200, $1,700, are payable by Mr. Fisher to Mr. Blaine.

[*Sixth page of memorandum book.*]

2. With James M. Hagar of Richmond, Mr. Fisher agrees to deliver—

$6,000 common stock
6,000 preferred stock.
6,000 land-bonds, 7s.
7,500 first-mortgage bonds, 6s.

All for $9,500, payable—

$1,200	$3 000, November 25, 1869.
$1,400	2,000, December 5, 1869,
$900	1,500, January 5, 1870.
	600, February 5, 1870.
	600, March 5, 1870.
	600, April 5, 1870.
	600, May 5, 1870.
	600, June 5, 1870.
	9,500

The amounts inclosed on left-hand margin above, viz.: $1,200, $1,400, $900, are payable by Mr. Fisher to Mr. Blaine.

[*Seventh page of memorandum book.*]

CONTRACT DELIVERED.

3. With Jeremiah Prescott, of Boston, Mr. Fisher agrees to deliver—

$5,000 common stock.
5,000 preferred stock.
5,000 land bonds.
6,250 first mortgage bonds.

All for $6,150, payable—

($1,150)	$2,650, November 15, 1869.
	500, December 5, 1869.
	500, January 5, 1870.
	500, February 5, 1870.
	500, March 5, 1870.
	500, April 5, 1870.
	500, May 5, 1870.
	500, June 5, 1870.
	6,150

The amount inclosed on left hand margin ($1,150), is payable by Mr. Fisher to Mr. Blaine.

CONTRACT DELIVERED.

4. With Joseph A. Sanborn, of East Readfield, Me., Mr. Fisher agrees to deliver—

$9,000 common stock.
9,000 preferred stock.
9.000 land bonds, 7s.
11,250 first morgage bonds.

All for $15,000, payable—

$3,400 } $7,000, December 5, 1869.
$2,600 } 3,500, January 5. 1870.
900, February 5, 1870.
900, March 5, 1870.
900, April 5, 1870.
900, May 5, 1870.
900, June 5, 1870.

15,000

. The amount inclosed on the left hand margins above, $3,400 $2,600, are payable by Mr. Fisher to Mr. Blaine, as commissions.

The WITNESS—I desire to say that as to the entry to the name "Jos. H. Williams," that stock was not delivered; he made one payment, but afterward withdrew, and then Mr. Fisher refunded him his money; and so, of course, Mr. Blaine was not entitled to the $5,000 of those bonds, and his amount was reduced by that; he was only entitled to $157,000; he was to get the $162,000, but when this fell through it reduced his percentage; this memorandum was made here before it was known this man would back out.

By Mr. LAWRENCE:

Q. "This man" is the man Williams, whose name is erased?

A. Yes; it was all figured out there, and he had paid his first instalment, but afterwards went out; this memorandum was made upon the supposition that he was not going out; this memorandum book contains an account of all the Maine bonds and explains itself; all these bonds (including the bonds forming second transaction in the memorandum book) were sold for so much cash; the parties got so many bonds for so much money. There is the amount indicated in the margin, which Mr. Blaine got. At the foot there is indicated the amount of cash received.

Q. I understand you to say that in this contract for the sale of bonds on page 5 of the memorandum book, they were sold for an instalment in cash amounting to $12,500?

A. Yes; here is the amount of bonds and stock they got, and there is the amount of cash they paid for it.

Q. That is, the amount of cash received was $12,500?

A. Yes.

Q. And out of that $12,500 which Mr. Fisher received, Mr. Blaine got $600, $2,200, and $1,700?

A. Yes.

(NOTE.—It appears from the above memoranda of contracts that the aggregate of the amounts thus agreed to be paid Mr. Blaine was $162,500 in bonds and $15,150 in cash. The cash to be paid Mr. Blaine in the transactions numbered 1 to 4, appears to have been an irregular amount ranging from 18 to 40 per cent., and in each case equal to the excess of the cash paid by the buyer over the par value of the land bonds; of the $43,150 cash to be paid in these last four transactions, it appears Mr. Fisher was to receive $28,000 for the bonds delivered and Mr. Blaine to receive $15,150.)

October 4, 1869. Mr. Blaine called attention to his ruling and its effects (see letters VIII and IX.)

February 2, 1870. A bill, which became a law, was introduced into the House, repealing the proviso of the act of 1869, which limited the price at which lands granted the railroad could be sold.

1871 and 1872. Mr. Blaine wrote repeatedly to Mr. Fisher on the subject of their transactions together.

September 21, 1872. Mr. Blaine and Mr. Fisher had a settlement of their affairs regarding railroad matters, etc., at which time various letters were given back to Mr. Blaine. (Testimony of Mr. Blaine, Mis. Doc. 176, p. 107.)

April 24, 1876. Mr. Blaine made a personal explanation in the House denying any connection with a transaction involving $75,000 L. R. and F. S. R. R. bonds, which the Union Pacific Railroad had at one time bought. In this explanation Mr. Blaine stated that he never had one (bond), except at the regular market price. (Cong. Rec. 44th Cong., 1st Sess. p. 2725.) He said:

"To give a seeming corroboration of foundation to the story which I have disproved, the absurd rumor has lately appeared in certain newspapers that I was the owner of from $150,000 to $250,000 of the Little Rock and Fort Smith Railroad Bonds, which I received without consideration, and that it was from these bonds that Thomas A. Scott received his $75,000. The statement is gratuitously and utterly false. * * *"

He further stated:

"After the war all the grants of land previously made to the Southern States were renewed in gross in the session of 1865–66. The Little Rock and Fort Smith Company again received a grant from the State and again tried to raise money to build their road: but 1865, 1866, 1867, passed without their getting a dollar. Finally, toward the close of 1868 a company of Boston gentlemen, representing considerable capital, undertook its construction. In raising the requisite means they placed the bonds of the road on the New England market in the summer of 1869, offering them on terms which seemed very favorable to the purchaser, and offering them at a time when investments of this kind were fatally popular. In common with hundreds of other people in New England and other parts of the country, I bought some of these bonds—not a very large amount—paying for them at precisely the same rate that others paid. I never heard and do not believe that the Little Rock Company—which I know is controlled by highly honorable men—ever parted with a bond to any person except at the regular price fixed for their sale. * * * Instead of receiving bonds of the Little Rock and Fort Smith road as a gratuity I never had one except at the regular market price, and that instead of making a large fortune out of that company I have incurred a severe pecuniary loss from my investment in its securities which I still retain."

Compare contract of September 5, 1869, p.—, *ante*.

He further stated:

"As to the question of propriety involved in a member of Congress holding an investment of this kind, it must be remembered that the lands were granted to the State of Arkansas, and not to the railroad company, and that the company derived its life, franchise and value wholly from the State. And to the State the company is amenable and answerable, and not in any sense to Congress."

See Act of 1869, *ante*—, and letters Oct. 4, 1869, *ante*—.

Mulligan's Character Sworn to.

In the brief history of the Mulligan letters here given, it has not been attempted to go into the details of the testimony of Mr. Fisher, Mr. Atkins, Mr. Blaine, or even Mr. Mulligan, but enough, it is thought, has been presented to give a comprehensive view of Mr. Blaine's transactions in regard to the bonds of the Little Rock & Fort Smith Railroad. The proof presented in the letters of Mr. Blaine and in the memorandum-book in his own handwriting, seems conclusive even without the testimony of Mr. Mulligan. Mr. Blaine did not attempt to impeach the testimony of this important witness. Mr. Fisher was asked:

Q. What is his (Mulligan's) character?

A. His character is the best. I would say it is as good as, or perhaps better, than that of any man that I ever knew.

Q. What is his reputation for truth and veracity?
A. I never heard it questioned.
Mr. Atkins was asked: What is Mr. Mulligan's reputation?
A. I have never heard anything against it.
Q. What is his reputation for truth and veracity?
A. I have never doubted anything he said.

One of Blaine's Side Speculations.

It will be seen that there are references in some of the letters to an interest in the Northern Pacific Railroad. As throwing further light on this part of the subject, we print here the following interesting letter from Mr. Blaine to Mr. Fisher which does not appear among those read by Mr. Blaine in the House:

AUGUSTA, Me., November 25, 1870.

MY DEAR MR. FISHER: A year ago and more I spoke to you about purchasing an interest in the Northern Pacific Railroad for yourself and any you might choose to associate with yourself. The matter passed by without my being able to control it, and nothing more was said about it. Since then the Jay Cooke contract has been perfected, the additional legislation has been obtained, and 230 miles of the road are well-nigh completed, and the whole line will be pushed forward rapidly. By a strange revolution of circumstances I am again able to control an interest, and if you desire it you can have it. The whole road is divided into twenty-four shares, of which Jay Cooke & Co. have twelve. The interest I speak of is one-half of one-twenty-fourth, or one one-hundred-and-ninety-second of the entire franchise, being that proportion of the eighty-one millions of stock that are being divided as the road is built, and a like proportion of the Land Company stock that is formed to take and dispose of the 52,000,000 acres of land covered by their grant as amended by their law of last session. The amount of stock which this 1-192 would have in the end would be about $425,000, and the number of acres of land it represents is nearly 275,000. The road is being built on the 7.30 bonds, $25,000 to the mile, which Jay Cooke takes at 90. Instead of mortgaging the land, they make a stock company for its ownership, dividing it *pro rata* among the holders of the franchise. The whole thing can be had for $25,000, which is less than one-third of what some other sales of small interest have gone at. I do not suppose you would care to invest the whole $25,000. I thought for a small flyer eight or ten of you in Boston might take it—$2,500 each. For $2,500 thus invested you would get ultimately $42,000 stock and the avails of some 27,000 acres of land. Five of you at $5,000 each would have a splendid thing of it.

The chance is a very rare one. I can't touch it, but I obey my first and best impulse in offering it to you.

All such chances as this since Jay Cooke got the road have been accompanied with the obligation to take a large amount of the bonds at ninety, and hold them not less than three years. I will be in Boston Tuesday noon, and will call upon you. Of course if you don't want it let it pass. You will receive an immediate issue of stock to a considerable amount, and certificates of land stock also. Of course, in conferring with others, keep my name quiet, mentioning it to no one unless to Mr. Caldwell. I write under the presumption that you have returned. But I have heard nothing. Yours truly,

J. G. BLAINE.

This offer was accepted by Fisher, as appears from the following receipt:

Received of Warren Fisher, Jr., $25,000, in trust, in consideration of which I am to deliver to said Fisher properly authenticated certificates of interest in the North Pacific Railway Company, equivalent to one-eighth part of one of the twenty-four principal shares in which the franchise stock of said company are divided. Certificates to be in the name of Elisha Atkins.

Witness my hand,

JAMES G. BLAINE.

The (N. Y.) Evening Post on Blaine.

The charges against Mr. Blaine were stated *seriatim* by the N.Y. Evening Post (Rep.):

The First Charge.

The first of these charges is that in the spring session of Congress in 1869 a bill was before the House of Representatives which sought to renew a land grant to the Little Rock and Fort Smith Railroad of Arkansas, in which some of Mr. Blaine's friends were interested; that an attempt to defeat it by an amendment was made, and was on the point of being successful, and its promoters were in despair; that at this juncture Mr. Blaine, being then Speaker of the House, sent a message to General Logan to make the point of order that the amendment was not germane to the purposes of the bill; that this point of order was accordingly raised and promptly sustained by Mr. Blaine as Speaker, and the bill was in this manner saved; that Mr. Blaine wrote at once to the promoters, calling attention to the service he had rendered them, and finally, after some negotiations, secured from them, as a reward for it, his appointment as selling agent of the bonds of the road, on commission, in Maine, and received a number of such bonds as his percentage; that the leading features of this transaction appeared in two letters of his afterward made public, dated respectively June 29 and October 4, 1869.

The Second Charge.

Second—That he asserted at first on the floor of the House, with the view of covering up this affair, that the Little Rock and Fort Smith road "derived its life, franchise and value wholly from the State," and not from Congress, whereas the evidence subsequently taken by the Congressional Committee disclosed the fact that the road derived the value on which these bonds were based from the act of Congress of which Mr. Blaine secured the passage in the manner above described in 1869; that he asserted on the floor of the House that the bonds he received "were bought by him at precisely the same rate as others paid," whereas the evidence showed that the bonds came to him as commissions on sales, which he secured the opportunity of making through his aid given to the work in Congress, and that he solicited this agency, basing his request on the aid so given, and that he paid nothing whatever for the bonds, the consideration being his ruling as Speaker and his subsequent efforts to sell them. What he did with these bonds, seventy-five in number, is uncertain; but strong, though not conclusive, evidence was produced going to show that they were taken off his hands at a good price by the Union Pacific Railroad (through the instrumentality of one Caldwell), which then also was in trouble. The investigation on this point was never pushed home, owing to the sudden illness which overtook Mr. Blaine in 1876.

The Third Charge.

Third—That Mr. Blaine, in 1870, made an offer, as appeared by his own letters, to one of his railroad friends, Mr. Warren Fisher, of Boston, to sell him a half of one-twenty-fourth interest in the Northern Pacific railroad, immediately after Jay Cooke's contract "had been perfected and the additional legislation had been obtained," he having, he said, come into control of this interest, "by a strange revolution of circumstances;" that the amount of stock which this would represent, he said, would be $425,000, and the number of acres of land "nearly 275,000." "The chance," he said, "was a very rare one; he couldn't touch it," but he offered it to Mr. Fisher for $25,000; that Mr. Fisher accepted it and paid the money, but for some unexplained reason the stock was never delivered, and Mr. Blaine subsequently returned the amount. This transaction was a very peculiar one for the following reasons:

It appears from acts of Congress relating to the road, none of which are of older date than July 2, 1864, that the authorized stock was $100,000,000, with a land grant estimated by the Commissioners of Public Lands at 47,000,000 acres, or 74,423 square miles. The line of the road was 2,000 miles long, and at the time of Blaine's letter to Fisher it was, he says, being built on bonds at $25,000 a mile, which would have made a bonded debt of $50,000,000. Mr. Blaine, as member of Congress and Speaker of the House, must be taken to have known about the circumstances of the road, and there, therefore, seems no escape from the conclusion that his offer was based on the expectation that he would receive almost as a gift a share in an enterprise dependent for its value on legislation in which he had taken part. Mr. Blaine's defense in the case of this transaction consisted at first of a denial that he had ever had any transaction with the road at all, but he afterward rested on the fact that he had no pecuniary interest in the transfer, and that it was never actually made; but though this might be a defense to a suit against him for a conspiracy to defraud purchasers of the stock, it does not affect in any way the nature of the offer. His relations with Warren Fisher were in 1870, as appeared from the evidence, such that any favor done the latter, or gift presented to him, had a direct pecuniary value.

The Fourth Charge.

Fourth—Because he obtained certain letters, which there is every reason to believe contained matter gravely compromising him, from a perfectly reputable witness, Mr. Mulligan, who was the proper and lawful custodian of them, after having vainly applied appeals to his pity, by pledging his word of honor to restore them, then broke this pledge, retained them by force, and subsequently read such of them as he pleased to the House in aid of his vindication; that this conduct, if not legally criminal, was such as no man aspiring to be the chief magistrate of a great nation ought to be even suspected of.

The Fifth Charge.

Fifth—That both his short service as an executive officer of the Government and the various efforts he has made during the past eight years to keep the public in mind of him, have been sensational and theatrical, indicating a strong love of notoriety and an absence of the settled convictions, the sober judgment and the steadiness of character which are needed to make him a safe occupant of any high or responsible administrative office; and that the means by which his "booms" are started and promoted, of which the manner in which his "history" has recently been heralded and produced is a good example, bear too close an approach to the advertising devices of a circus or other public show to make the candidacy of any person resorting to them anything but a humiliation for the party producing them.

The New York Herald on Blaine.

The *N. Y. Herald*, of June 3, 1876, voiced the sentiments of the independent press at the time of the exposure in the following words:

No one can doubt, after reading the evidence of that curious creature Mulligan, that Mr. Blaine is not worthy of the confidence of the country, and especially in a position as elevated as the Presidency of the United States. The nature of this evidence has been explained to our readers at length. There is no difficulty in understanding the exact position of Mr. Blaine. By his own words and acts, by his written letters, which, by suppressing he admits to be improper, he shows that his relations with a shameless gang of jobbers and swindlers were inconsistent as a severe guardian of the people's interest. We may say, "shameless gang of jobbers, and swindlers," because the history of our whole Pacific legislation is that of jobbery striving to use the generosity of the Government to further private ends. It was this legislation which enabled the Union Pacific Railway to have a law passed which virtually robs the Government of a hundred, or, as some say, two hundred millions of dollars. The men who had any hand in this gigantic robbery, and for robbery it was, deserves no mercy from the American people. A part of the Nation's vengeance was visited upon some of them in the resolutions expelling and censuring certain members and Senators, and in the moral condemnation which has fallen upon others. It is no wonder that the country should look with suspicious eyes upon the arts of a man as conspicuous as Mr. Blaine which shows his connection with any share of that Pacific legislation. Mr. Blaine admits that in that time of wild legislation and general corruption he took a prominent part not only in advancing the interests of such railways as the Union and Northern Pacific, but also the sale of their stock and bonds. He admits that he made money in this manner out of what was fairly due him as "commissions." He contends, naturally enough, or rather it is the argument of his friends, that this is his own affair, with which no Congress has any business, and that because a gentleman enters into public life he does not necessarily deprive himself of every means of livelihood. There would be force in this argument but for the fact that the only value the stocks and bonds which Mr. Blaine "earned" came from the legislation of Congress, that for this legislation he was, more than any other member responsible, that by this legislation, as we see by the decree of the Supreme Court, the Treasury was robbed. Mr. Blaine can give no explanation of his relations with any one of these railways consistent with his duties as an honorable, self-respecting member of the House, and, as our Washington correspondent puts it, the developments remove him from any consideration as a candidate for the Presidency.

The Friend of Railroads.

The most important act ever passed to check the power of railroads and to compel them to fulfill the obligations entered into at their incorporation, was the Thurman act, approved May 7, 1878. This act is of such importance and the interest affected by it so vast that it is here reproduced in full :

CHAP. 96.—An act to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and for other purposes," approved July first, eighteen hundred and sixty-two, and also to alter and amend the act of Congress, approved July second, eighteen hundred and sixty-four, in amendment of said first-named act.

Whereas, on the first day of July, anno Domini eighteen hundred and sixty-two, Congress passed an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes ; and

Whereas, afterward, on the second day of July, anno Domini eighteen hundred and sixty-four, Congress passed an act in amendment of said first-mentioned act ; and

Whereas, the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts ; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts; and

Whereas, the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan, and as provided in said acts, to and for the benefit of said company, in aid of the purposes named in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, to the amount of twenty-five million eight hundred and eighty-five thousand one hundred and twenty dollars, which said bonds have been sold in the market or otherwise disposed of by said company ; and

Whereas, the said Central Pacific Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, at stated, and secured thereby; and

Whereas, after the passage of said acts, the Western Pacific Railroad Company, a corporation then existing under the laws of California, did, under the authority of Congress, become the assignee of the rights, duties, and obligations of the said Central Pacific Railroad Company, as provided in the act of Congress passed on the third of March, anno Domini eighteen hundred and sixty-five, and did, under the authority of the said act and of the acts aforesaid, construct a railroad from the city of San José to the city of Sacramento, in California, and did demand and receive from the United States the sum of one million nine hundred and seventy thousand five hundred and sixty dollars of the bonds of the United States, of the description before mentioned as issued to the Central Pacific Company. and in the same manner and under the provisions of said acts; and upon and in respect of the bonds so issued to both said companies, the United States have paid interest to the sum of more than thirteen and a half million dollars, which has not been reimbursed; and

Whereas, said Western Pacific Railroad Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States to it, and secured the same by mortgage, which are, if lawfully issued and disposed of, a prior and paramount lien to that of the United States, as stated and secured thereby; and

Whereas, said Western Pacific Railroad Company has since become merged in, and consolidated with, said Central Pacific Railroad Company, under the name of the Central Pacific Railroad Company, whereby the said Central Pacific Railroad Company has become liable to all the burdens, duties, and obligations before resting upon said Western Pacific Railroad Company; and divers other railroad companies have been merged in and consolidated with said Central Pacific Railroad Company; and

Whereas, the United States upon the demand of the said Union Pacific Railroad Company, have heretofore issued by way of loan to it and as provided in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, the principal sums of which amount to twenty-seven million two hundred and thirty-six thousand five hundred and twelve dollars; on which the United States have paid over ten million dollars interest over and above all reimbursements; which said bonds have been sold in the market or otherwise disposed of by said corporation; and

Whereas, said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts to that of the United States, as stated, and secured thereby; and

Whereas, the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, of the said Central Pacific Company, amount in the aggregate to more than ninety-six million dollars, and those of the said Union Pacific Railroad Company to more than eighty-eight million dollars; and

Whereas, the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and cannot, without further legislation, be secure in their interests in and concerning said respective railroads and corporations, either as mentioned in said acts or otherwise; and

Whereas, a due regard to the rights of said several companies respectively, as mentioned in said act of eighteen hundred and sixty-two, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that the said act of eighteen hundred and sixty-two be altered and amended as hereinafter enacted; and

Whereas, by reason of the premises also, as well as for other causes of public good and justice, the powers provided and reserved in said act of eighteen hundred and sixty-four for the amendment and alteration thereof ought also to be exercised as hereinafter enacted; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the net earnings mentioned in said act of eighteen hundred and sixty-two, of said railroad companies respectively shall be ascertained by deducting from the gross amount of their earnings, respectively, the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them respectively within the year in the discharge of interest on their first-mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness; and the foregoing provision shall be deemed and taken as an amendment of said act of eighteen hundred and sixty-four, as well as of said act of eighteen hundred and sixty-two. This section shall take effect on the thirtieth day of June next, and be applicable to all computations of net earnings thereafter; but it shall not affect any right of the United States or of either of said railroad companies existing prior thereto.

SEC. 2. That the whole amount of compensation which may, from time to time, be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking fund hereinafter provided, for the uses therein mentioned.

SEC. 3. That there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the five per centum bonds of the United States, unless for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States. All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him, and publicly disposed of pursuant to this act.

SEC. 4. That there shall be carried to the credit of said fund on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest; and in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road, payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

SEC. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that seventy-five per centum of its net earnings, as hereinbefore defined, for any current year, are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the twenty-five per centum of net earnings required to be paid into the sinking fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said five per centum of the net earnings, or in respect of interest upon any debt the lien of which, or the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking fund. And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not exceeding one year.

Sec. 7. That the said sinking fund so established and accumulated shall at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

Sec. 8. That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order ; but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

Sec. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper and lawful course of their current business, in good faith and for valuable consideration.

Sec. 10. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceedings against the several railroad companies respectively or jointly, or against either of them, and others, all the rights of the United States under this act and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States ; and in any suit or proceedings already commenced, or that may be hereafter commenced against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

Sec. 11. That if either of the said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States ; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

Sec. 12. That nothing in this act shall be construed or taken in any wise to affect, or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned ; and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

Sec. 13. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of eighteen hundred and sixty-two and of said act of eighteen hundred and sixty-four respectively, and of both said acts.

Approved, May 7, 1878.

To prevent the passage of this bill was arrayed the whole power of the railroad kings, Gould, Huntington, *et id omne genus;* the lobbies swarmed with their agents, and their representatives on the floor by voice and vote exerted their utmost energies to compass its defeat. Indeed, Mr. Gould was there and in person directed the operations of the lobby. The cause of the people, however, was in the hands of that great leader, Allen G. Thurman, earnestly aided by Mr. Edmunds, and no subterfuge could blind and no specious argument swerve him from the accomplishment of the object in view.

Among those in the Senate who most stoutly resisted the passage of the Thurman act was James G. Blaine. In fact, in the long debate that attended the bill, he was the leader of the opposition.

In the Senate, April 9, 1878, Mr. Blaine offered the following amendment to the Pacific Railroad Funding Act:

> But so long as said Central Pacific and Union Pacific Railroad Companies shall faithfully comply with the provisions of the said acts of 1862 and 1864, and of this act, relating to the payments to the United States on account of the bonds advanced, and of sinking funds to be established as aforesaid, such compliance shall be deemed and taken as sufficient to meet the obligations of said companies on account of such bonds prior to the maturity thereof.
>
> Provided, That the annual payments from each railroad company, in addition to the half transportation account and the five per cent. of the net earnings presently applicable to the interest, and the bonds, shall never be less than $600,000, including the other half of the transportation account applicable to the sinking fund herein established, and that nothing in this act shall be construed to waive any claim of the United States against either of said railroad companies, from whatever source arising.

The purpose and effect of this amendment was to defeat the object of the bill and to nullify its salutary provisions. This was recognized by Mr. Thurman, who said:

> I consider this amendment as really determining the fate of the bill.
>
> The amendment of the Senator from Maine is the worst attack upon the bill that could be made. He knows very well that with that provision fastened on to this bill the bill not only would not be worth the paper upon which it is written, but that it would be far worse than nothing; he knows that that would be a fatal death-blow given to the bill.
>
> Mr. President, let no one deceive himself about this; let no one imagine he can be a friend of the Judiciary Committee bill and at the same time a friend of the amendment of the Senator from Maine. The amendment of the Senator from Maine is prussic acid to the bill. It cannot survive a day, nor an hour perhaps, after that amendment is adopted. It is a stab at the very heart of the bill; it is as fatal as any stab could possibly be. I hope, therefore, the friends of this bill, those who mean to make these companies live up to their obligations, do what they assumed to do; those who mean that these companies shall know that the Government is their master, and they are not the masters of the Government—will see that no such poison is taken into the bill as the amendment of the Senator from Maine.

The acute mind of Mr. Edmunds was not deceived. He said:

> He (Blaine), as I said before, is the original father, there is no grandfather and no collateral relation of a proposition in the legislation of this country of the Congress of the United States, since the time when the evil of the hands of states and of congresses has been discovered in the last few years, to provide that in any respect or under any circumstances the hands of the legislative power shall be held off from the exercise of their legitimate and constitutional control over public corporations. * * * * * * You cannot tell, sir, what will happen; you cannot tell who will manage these corporations; you cannot tell how long there will be any net income or not, depending not upon the fair progress of natural re

sources of development and natural competition, but depending upon the evil deviltry of stock-boards and private jobs. There is the trouble about all these corporations, and yet my honorable friend from Maine, in that sweet innocence which characterizes his character, that sublime faith that everybody is as virtuous as he is, is willing to fold up his arms and be tied up in a bag by the Union Pacific and Central Pacific Railroad Companies for twenty-two years, merely because we require them to establish a sinking fund.

The amendment of Mr. Blaine was defeated—yeas 23, nays 35.

The bill was then passed—yeas 40, nays 20.

Mr. Blaine voted "no."

See Cong. Record, Ap. 2 to 9, 1878.

That the object of Mr. Blaine's amendment was understood in California is shown by the following editorial :

[From the *San Francisco Chronicle* of April 10, 1878.]

The Railroads must pay.

The bill of the Senate Judiciary Committee providing that the Union and and Central Pacific Railroad Companies shall each create a sinking fund, with which to finally liquidate their indebtedness to the Government, passed the United States Senate yesterday, by the decisive vote of 40 to 19. It passed without Blaine's amendment, which was intended to nullify its force, and indeed, without amendments of any kind. This is the first real and effective check which the arrogance of the railroad companies have yet received. Remarkable as it may seem, in this era of corruption, neither sham nor compromise is embodied in this bill. It is a plain, straightforward, compulsory demand that these companies which have grown so enormously rich from the prodigal donations of the country, and from their oppressive tariff exactions, shall now meet the obligations they have evaded so long. The House Committee on Railroads has been instructed to report a similar bill which will undoubtedly pass. Blaine's amendment was defeated by a vote of 35 to 23.

From the foregoing debate it will be seen that it was not without proper knowledge that Mr. Edmunds wrote to a friend in Vermont :

"It is my deliberate opinion that Mr. Blaine acts as the attorney of Jay Gould. Whenever Mr. Thurman and I have settled upon legislation to bring the Pacific railroads to terms of equity with the Government, up has jumped James G. Blaine, musket in hand, from behind the breastworks of Gould's lobby, to fire into our back."

The law thus treated of, having in operation discovered some defects, a bill to amend the Thurman act and correct its defects was passed in the House at the last session, under the leadership of Hon. Phil. B. Thompson of Kentucky. The Republican Senate failed to take any action on it, as it did on most other measures where the people demanded action and the corporations desired delay.

The Friend of the Miner.

The House having under consideration, May 17, 1866, the bill to amend "an act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," and acts amendatory thereof, the following debate was had :

The Clerk read as follows:

47.—Miners shall pay ten dollars. Every person, firm or company, who shall employ others in the business of mining for coal, or for gold, silver, copper, lead, iron, zinc, spelter, or other minerals, not having paid the tax therefor, as a manufacturer, and no other, shall be regarded as a miner, under this act. Provided : That this shall not apply to any miner whose receipts from his mine shall not exceed annually, $1,000

Mr. Mercur—I move to strike out the words "employ others in" and insert "carry on."

Mr. Chairman—I do not know how it is in the mines where the precious metals are procured, but in the coal mines this phraseology would result disastrously to the miners. "Miner" is a technical term. Persons are called miners who have no interest in the mines at all. A is put in with one or two laborers. He is called a miner, though he has no interest in the sale of coal. It may be thought the proviso to the bill would exempt him from the effect of this tax, but on looking, it will be seen it does not apply to any person who is a miner.

* * * * * * * * * *

Mr. Stevens (Pa.)—I move to strike out the whole paragraph.

Mr. Chairman—I do not know how many this would embrace. Every man who mined limestone for his farm, every man who mined a little coal for his furnace, all these men, and ten thousand others like them, would be embraced.

Mr. Morrill opposed the amendment, and Mr. Bidwell, in behalf of the gold mines, favored it.

Mr. Blaine then said :

I do not think the amendment of the gentleman from Pennsylvania from the Pittsburgh district ought to prevail.

I think that during the whole progress of this bill, with all due respect to the gentleman from Pennsylvania and the gentleman from California, I have seen no motion made more groundless than this. We place a tax upon every trade and calling we can find out, and *I undertake to say that the miners in the Pennsylvania coal mines are infinitely better able to pay taxes than the builders, contractors, lawyers, physicians and surgeons.*

* * * * * * * *

Mr. Moorehead (Pa.)—The receipts of these men are not from the mines, but from labor, and the proposition really is to tax labor.

Mr. McRuer (Cal.)—I wish to say in reply to the gentleman from Maine (Mr. Blaine), that there is not a single tax in this whole bill analogous to this. This is a direct tax upon the labor producing the raw material.

* * * * * * * *

Mr. Kelley (Pa.)—The tax proposed is a direct tax upon wages and labor, at least as far as Pennsylvania is concerned.

It was contended by Mr. Morrill, Mr. Blaine, Mr. Schenck and others that the tax referred to applied to employer of miners. On this point, Mr, Hooper said : "I hold here in my hand a petition from some fifty laboring miners, who state that the tax of ten dollars is imposed upon them, because by the custom of mining coal it is usual for a miner to have with him a laborer, the miner being paid so much a ton for the coal he raises, out of which he pays the laborer. The assessor claims that the miner employs others, and charges him with the tax of ten dollars."

Subsequently, the amendment of Mr. Stevens was agreed to by a vote of ayes 57, noes 38, and the paragraph was stricken out. (Cong. Globe, vol. 58, p. 2657, 1st Sess., 39 Cong.)

A Return to Constitutional Methods.

Democratic Principles.

A strict adherence to the Constitution is the leading principle of the Democratic party—a party whose theory of construction gave it birth and has preserved it in the affections of the people for nearly one hundred years.

In Washington's Cabinet there was a continual conflict of opinion between the aristocratic Hamilton, then Secretary of the Treasury, and the democratic Jefferson, then Secretary of State, about the construction of the new Constitution. The former advocated a loose construction and strong central power; the latter, strict construction and local self-government.

From these rivalries sprang into existence the two great rival parties which, under one name and another, have continued to the present day.

The difference is fundamental and eternal. It is well described by De Tocquevill in his work on *Democracy in America*, as follows:

De Tocquevill's Definition.

"When the war of independence was terminated, and the foundations of the new government were to be laid down, the nation was divided between two opinions—two opinions which are as old as the world and which are perpetually to be met with, under different forms and various names in all free communities—the one tending to limit, the other to extend indefinitely the power of the people."

Temporary questions, such as slavery, knownothingism, a foreign war, etc., may distract attention from the main issue and even change party names, but when disposed of the fundamental rivalry between local and central power is bound to return. It is well that it does, for the discussion of rival theories of construction tends to keep the people educated in the principles of civil liberty and government

Such a discussion was never more needed than to-day for the Republican party continues in time of peace a war construction of the Constitution—a drift toward centralization which, if not soon checked, will verge upon imperialism.

The American people should therefore in the present campaign go back to first principles and closely scrutinize the tendencies of the two rival parties.

The Democratic party inherits its love of local and personal liberty from its founder, Thomas Jefferson, and its construction of the Constitution from that greatest of all authorities, James Madison.

Madison's Rules of Constitutional Construction.

His construction as given in the Federalist (No. 38) is as follows:

"First—In order to ascertain the real character of the government, it may be considered in relation to the foundation on which it is to be established; to the sources from which its ordinary powers are to be drawn; to the operation of those powers; to the extent of them, and to the authority by which future changes in the government are to be introduced.

"On examining the first relation, it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority of each State—the authority of the people themselves. The act, therefore, establishing the Constitution will not be a national, but a federal act.

"That it will be a federal and not a national act, as these terms are understood by the objectors, the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national constitution.

"The next relation is to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the Legislature of a particular State. So far the Government is national, not federal. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies, and these will be represented on the principle of equality in the Senate as they now are in the existing Congress. So far the Government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the Legislature which consists of the national Representatives; but in this particular act they are to be thrown into the form of individual delegations from so many distinct and coequal bodies-politic. From this aspect of the Government it appears to be of a mixed character, presenting at least as many federal as national features.

"The difference between a federal and national government, as it relates to the operation of the Government, is by the adversaries of the plan of the convention supposed to consist in this, that in the former the powers operate on the political bodies composing the confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities. On trying the Constitution by this criterion, it falls under the national, not the federal character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. But the operation of the Government on the people, in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it in this relation a national government.

"But if the Government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation this supremacy is completely vested in the National Legislature. Among communities united for particular purposes it is vested partly in the general and partly in the municipal legislatures. In the former case, all local authorities are subordinate to the supreme, and may be controlled, directed, or abolished by it at pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them within its own sphere. In this relation, then, the proposed government cannot be deemed a national one, since its jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the General Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution, and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

"If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly national nor wholly federal. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by States, not by citizens, it departs from the national and advances toward the federal character. In rendering the concurrence of less than the whole number of States sufficient, it loses again the federal and partakes of the national character.

"The proposed constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal constitution, but a composition of both. In its foundation it is federal not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers it is national, not federal; in the extent of them again it is federal, not national; and finally in the authoritative mode of introducing amendments it is neither wholly federal nor wholly national."

Justice Field's Protest against Centralization.

The Democratic distinction between State and central power was recently and ably stated by that distinguished Democratic jurist, Justice Field, of the United States Supreme Court. In a dissenting opinion, he said:

"The government created by the Constitution was not designed for the regulation of matters of purely local concern. The States required no aid from any external authority to manage their domestic affairs. They were fully competent to provide for the due administration of justice between their own citizens in their own courts, and they needed no directions in that matter from any other government, any more than they needed directions as to their highways and schools, their hospitals and charitable institutions, their public libraries, or the magistrates they should appoint for their towns and counties. It was only for matters which concerned all the States, and which could not be managed by them in their independent capacity, or managed only with great difficulty and embarrassment, that a general and common government was desired. Whilst they retained control of local matters, it was felt necessary that matters of general and common interest, which they could not wisely and efficiently manage, should be entrusted to a central authority. And so to the common government which grew out of this prevailing necessity was granted exclusive jurisdiction over external affairs, including the great powers of declaring war, making peace and concluding treaties; but only such powers of internal regulation were conferred as were essential to the successful and efficient working of the government established; to facilitate intercourse and commerce between the people of the different States, and secure to them equality of protection in the several States.

* * * * * * * * *

"When the government of the confederation failed, chiefly through the want of all coercive authority to carry into effect its measures, its power being only that of recommendation to the States, and the present Constitution was adopted, the same general ends were sought to be attained, namely, the creation of a central government, which would take exclusive charge of all our foreign relations, representing the people of all the States in that respect as one nation, and would at the same time secure at home freedom of intercourse between the States, equality of protection to citizens of each State in the several States, uniformity of commercial regulations, a common currency, a standard of weights and measures, one postal system, and such other matters as concerned all the States and their people.

Accordingly, the new government was invested with powers adequate to the accomplishment of these purposes, with which it could act directly upon the people, and not by recommendation to the States, and enforec its measures through tribunals and officers of its own creation. There were also restraint placed upon the action of the States to prevent interference with the authority of the new government and to secure to all persons protection against punishment by legislative decree, and insure the fulfillment of contract obligations. But the control of matters of purely local concern, not coming within the scope of the powers granted or the restraints mentioned was left, where it had always existed, with the States. The new government being one of granted powers, its authority was limited by them and such as were necessarily implied for their execution. But lest from a misconception of their extent these powers might be abused, the tenth amendment was at an early day adopted, declaring that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.'

Now, if we look into the Constitution we shall not find a single word from its opening to its concluding line, nor in any of the amendments in force before the close of the civil war, nor, as I shall hereafter endeavor to show, in those subsequently adopted, which authorizes any interference by Congress with the States in the administration of their governments, and the enforcement of their laws with respect to any matter over which jurisdiction was not surrendered to the United States. The design of its framers was not to destroy the States, but to form a more perfect union between them, and whilst creating a central government for certain great purposes, to leave to the States in all matters, the jurisdiction of which was not surrendered, the functions essential to separate and independent existence. And so the late Chief Justice, speaking for the court in 1869, said: 'Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may not be unreasonably said that the preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government,' and then he adds, in that striking language which gives to an old truth new force and significance, that 'the Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.' "

Horatio Seymour on State and Federal Powers.

Another and admirable statement of our theory of government was given by that great Democratic statesman, Ex-Governor Seymour, of New York, in an article entitled "The Government of the United States," published in the *North American Review* in 1878. We quote from it as follows:

"Let us place ourselves where our fathers stood when they worked out our political system, and thus learn what they meant to do. A people thinly scattered over a continent, living under opposite conditions of climate, production and domestic habits, were to be united for purposes of common defense and welfare. This could only be done by securing to each section of a vast region laws which would promote the prosperity of every part. Where was the wisdom to frame the laws to meet the wants so diversified and conflicting? They knew from experience that kings, lords, and commons, could not do it. Their failures led to the revolution. They claimed no wisdom superior to that of Parliament, for that was the period when a host of orators and statesmen made Parliament glorious in British annals. The colonies were practically as remote from each other as from Britain, when obstacles to intercourse were taken into account. The necessities of the case forced our fathers to frame their State and general governments upon principles the reverse of those which usually mark the polity of nations. Their theory takes away control from political centers, and distributes it to the various points that are most interested in its wise and honest exercise. It keeps at every man's home the greatest share of the political power that concerns him individually. It yields it to the remoter legislative bodies in diminishing proportions as they recede from the direct influence and action of the people. The local self-government under which our country is expanding itself over a continent, without becoming weak by its extension, is founded on these propositions. That government is most wise which is in the hands of those best informed about the particular questions on which they legislate; most economical and honest, when controlled by those most interested in preserving frugality and virtue; most strong when it only exercises authority which is beneficial in its action to the governed. These are obvious truths, but how are they to be made available for practical purposes? It is in this that the wisdom of our institutions consists. In their progress, they are developing truths in government which have not only disappointed the hopes of our enemies, but dissipated the fears of our friends.

"The good order of society, the protection of our lives and our property, the promotion of religion and learning, the enforcement of statutes, or the upholding of the unwritten laws of just moral restraints mainly depend upon the wisdom of the inhabitants of townships. Upon such questions, so far as they particularly concern them, the people of the towns are more intelligent and more interested than those outside of their limits can be. The wisest statesmen living and acting at the city of Washington cannot understand these affairs, nor can they conduct them so well as the citizens upon the ground, although they may be unlearned men. What is true of one town is true of the other ten thousand towns in the United States. When we shall have twenty thousand towns, this system of government will in no degree become overloaded or complicated. There will be no more then for each citizen to do than now. Our town officers in the aggregate are more important than Congressmen or Senators. Hence the importance to our government of religion, morality, and education, which enlighten and purify the governed and the governors at the same time, and which must ever constitute the best securities for the advancement and happiness of our country. Township powers and duties educate and elevate those who exercise them. The next organizations in order and importance, are boards of county officers, who control questions of a local character, but affecting a greater number than the inhabitants of single towns. The people of each county are more intelligent and more interested in what concerns their own affairs than any amount of wisdom or of patriotism outside of it. The aggregate transactions of county officers are more important than those of our State Legislatures. When we have secured good government in towns and counties, most of the objects of government are gained. In the ascending scale of rank, in the descending scale of importance, is the Legislature, which is or should be limited to State affairs. Its greatest wisdom is shown by the smallest amount of legislation, and its strongest claims for gratitude grow out of what it does not do. Our general government is remarkable for being the reverse of every other. Instead of being the source of authority, it only receives the remnant of power after all that concerns town, county, and state jurisdictions has been distributed. Its jurisdiction, although confined within narrow limits, is of great dignity, for it concerns our national honor and provides for the national defense. We make this head of our system strong when we confine its action to those objects which are of general interest, and prevent its interference with subjects upon which it cannot act with intelligence. If our general government had the power which is now divided between town, county and State jurisdiction, its attempts at their exercise would shiver it into atoms. If it were composed of the wisest and purest men the world ever saw, it could not understand all the varied interests of a land as wide as all Europe, and with as great a diversity of climate, soil and social condition. The welfare of the several communities would be sacrificed to the ignorance or prejudices of those who had no direct concern in the laws they imposed upon others.

"The theory of self-government is not founded upon the idea that the people are necessarily virtuous and intelligent, but it attempts to distribute each particular power to those who have the greatest interest in its wise and faithful exercise. Such distribution is founded on the principle that persons most interested in any matter manage it better than wiser men who are not interested. Men act thus in their private concerns. When we are sick, we do not seek the wisest man in the community, but the physician who is best acquainted with our disorder and its remedies. If we wish to build, we seek not the most learned man, but the man most skillful in the kind of structure we desire to erect, and if we require the services of an agent, the one is best for us who is best acquainted with our wants, and most interested in satisfying them. The Bible intimates this course when it says that a man can judge better in relation to his own affairs than seven watchmen on a high tower. This principle not only secures good government for each locality, but it also brings home to each individual a sense of his rights and responsibilities; it elevates his character as a man; he is taught self-reliance; he learns that the performance of his duty as a citizen is the corrective for the evils of society, and is not led to place a vague, unfounded dependence upon legislative wisdom. It not only makes good government, but it also makes good manhood. Under European governments but few feel that they can exert any influence upon public morals or affairs; here every one knows that his character and conduct will at least affect the character of the town in which he lives. While the interests of each section are thus secured, and the citizen is educated by duties, the general government is strengthened and made enduring by lifting it above invidious action, and making it the point about which rally the affections and pride of the American people, as the exponent to the world at large of our common power, dignity, and nationality."

Republican Tendencies.

In marked contrast with the theory of government as above defined by the great leaders of the Democratic party is the centralization tendency of its Republican rival. That party inherits much of the objectionable doctrines which Hamilton advocated in the Convention which framed the Constitution, but which, fortunately, were not stamped upon that instrument.

Hamilton's Theory of Government.

In Madison's notes on the proceedings of the Convention, he reports the substance of one of Hamilton's speeches as follows :

"The general power, whatever be its form, if it preserves itself, must swallow up the State powers, otherwise it will be swallowed up by them. It is against all the principles of a good government to vest the requisite powers in such a body as Congress. Two sovereignties cannot exist within the same limits. Giving powers to Congress must eventuate in a bad government, or in no government. The plan of New Jersey, therefore, will not do. What then is to be done? Here he was embarrassed. The extent of the country to be governed discouraged him. The expense of a general government was also formidable ; unless there were such a diminution of expense on the side of the State governments as the case would admit. If they were extinguished, he was persuaded that great economy might be obtained by substituing a general government. He did not mean, however, to shock the public opinion by proposing such a measure. On the other hand, he saw no *other* necessity for declining it. They are not necessary for any of the great purposes of commerce, revenue, or agriculture. Subordinate authorities, he was aware, would be necessary. There must be district tribunals ; corporations for local purposes. But *cui bono* the vast and expensive apparatus now appertaining to the States? The only difficulty of a serious nature which occurred to him, was that of drawing representatives from the extremes to the centre of the community. What inducements can be offered that will suffice? The moderate wages for the first branch could only be a bait to little demagogues. Three dollars, or thereabouts, he supposed, would be the utmost. The Senate, he feared, from a similar cause, would be filled by certain undertakers, who wish for particular offices under the government.

"This view of the subject almost led him to despair that a republican government could be established over so great an extent. He was sensible at the same time, that it would be unwise to propose one of any other form. In his private opinion, he had no scruple in declaring, supported as he was by the opinion of so many of the wise and good, that the British government was the best in the world ; and that he doubted much whether anything short of it would do in America. He hoped gentlemen of different opinions would bear with him in this, and begged them to recollect the change of opinion on this subject which had taken place, and was still going on. It was once thought that the power of Congress was amply sufficient to secure the end of their institution. The error was now seen by every one. The members most tenacious of republicanism, he observed, were as loud as any in declaring against the vices of democracy. This progress of the public mind led him to anticipate the time when others as well as himself would join in the praise bestowed by Mr. Neckar on the British constitution—namely, that it is the only government in the world 'which unites public strength with individual security.

* * * * * * * * * *

"As to the executive, it seemed to be admitted that no good one could be established on republican principles. Was not this giving up the merits of the question ; for can there be a good government without a good executive? The English model was the only good one on this subject. The hereditary interest of the King was so interwoven with that of the nation, and his personal emolument so great that he was placed above the danger of being corrupted from abroad ; and at the same time was both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. One of the weak sides of republics was their being liable to foreign influence and corruption. Men of little character, acquiring great power, became easily the tools of intermeddling neighbors. Sweden was a striking instance. The French and English had each their parties during the late revolution which was affected by the predominant influence of the former. What is the inference from all these observations? That we ought to go as far, in order to attain stability and permanency, as republican principles will admit. Let one branch of the legislature hold their places for life, or at least during good behavior. Let the executive also be for life."

Towards the close of the Convention, Hamilton handed to Madison a plan of a constitution in accordance with his own ideas.

Art. VIII., sec. 1, contains the following :

> "The governor or president of each state shall be appointed under the authority of the United States ; and shall have a right to negative all laws about to be passed in the state of which he shall be governor or president, subject to such qualifications and regulations as the legislature of the United States shall prescribe."

The Republican party is thoroughly imbued with the spirit of this doctrine. It does not seem to be aware that the war is over. Its rapid drift toward centralization, aristocracy and monopolies, is indeed cause for alarm, and calls for an emphatic protest by the people at the coming Presidential election.

Blaine's Revenue-Centralization Scheme.

Not to be outdone by his party in the reckless advance toward centralization, Mr. Blaine has—not extemporaneously and unadvisedly, but in writing and deliberately—devised a scheme of "paternal government" of a most objectionable nature. We refer to his plan for the collection of revenues to be distributed among the States. Hon. James Speed, of Kentucky, who was the Attorney of the United States in President Lincoln's Cabinet, recently said of it :

> His letter about the surplus revenue is monstrous. It shows him to be as unsafe in his view of the framework of our government as he is in regard to international law. It is charitable to say the letter is the child of ignorance, for if not it is the child of demagoguery.

The letter is as follows :

AUGUSTA, Me., Nov. 22, 1883.

CHARLES EMORY SMITH, ESQ., *Editor Press.*

MY DEAR SIR : I have your note inquiring if I should be willing to give, in the more authentic form of a letter over my own signature, certain views which I expressed in conversation several weeks since touching an important financial question. I understand you refer to some observations I made to one of your assistant editors in regard to the proposition to the Republican State Convention of Pennsylvania for the distribution of the surplus revenue of the National Treasury among the States. I understand you to refer still more particularly to a suggestion of my own as a substitute for the Pennsylvania proposition, to which I thought I saw fatal objections. I have no reason for withholding my views, and I admit the wisdom of your suggestion that I would better state them myself than to have them possibly misstated by others.

The proposition of the Pennsylvania Republican Convention is to distribute "among the States any surplus in the National Treasury that may arise from a redundant revenue." The first objection which I see to this proposition is the utter uncertainty of the amount of "redundant revenue." It may be one million or it may be one hundred millions. The amount, depending as it does on so many contingencies, cannot be determined in advance with even approximate exactness, and the States could not therefore depend upon a steady resource. Unless steady, it would not bring relief, because it would not enable the States to dispense with any part of their own systems of taxation. An occasional gift from the National Treasury would not be valuable. That was proved by the distribution of the revenue under the act of 1836 in the Presidency of Gen. Jackson. It did no good. It was frittered away in all the States. Here in Maine they made an absolute per capita distribution of it among the entire population—a trifling sum to each. That of course threw contempt upon the whole measure.

There is a second objection to the Pennsylvania proposition which in my judgment is still more serious. If you simply resolve to distribute the "redundant national revenue" among the States, you impose on Senators and Representatives a divided interest which would be embarrassing and hurtful. For the benefit of their States—especially of those States that might be in pressing need of money—Senators and Representatives would desire the "redudant revenue" to be as large as possible. This would present a constant temptation to withhold appropriations from objects of a really National character. It would be unfair to Senators and Representatives to lay upon them and before them obligations and motives which would constantly tend to turn them from the straight path of duty to the National government. You cannot have the National government and the State governments joint owners in the same treasury without mischievous conflict. Such a partnership is at war with the well-being of both State and Nation.

A third objection to the Pennsylvania proposition is that it proceeds upon the assumption of a continuing redundancy of National revenue. This is opposed to all sound views of administration. The Government wants just enough revenue. A redundancy always leads to extravagance, to many forms of corruption, and to all manner of schemes for getting rid of the money. A Congress assembling with tens of millions of surplus at its disposal, would be very sure to hold sessions which would prove profitless to the people and perilious to its own members. Since the war closed we have had no embarrassing redundancy of revenue because the payment of the National debt has afforded at once the readiest and the wisest mode of appropriating every dollar not needed for the current expenses of the Government.

The time is rapidly approaching, however, when, by the terms in which the National debt is funded, the payment of the remainder must of necessity be postponed for years—the largest part of it, indeed, to the next century. This brings with it the necessity of reducing the National revenue. The present system of taxation is yielding more than a hundred millions beyond the amount required for the ordinary expenses of government. Its reduction will soon become an imperative duty. Indeed, a strong movement is already on foot for the repeal of the entire system of internal revenue—on the assumption, which is justified by fact, that receipts from customs will afford abundant revenue for the needs of the Government. The Protectionists desire this, but not they alone. Judge Kelley is not more earnestly in favor of it than is Mr. Cox of New York, who is a most intelligent representative of the free trade interest. Many of the leading free traders in Congress are opposed to the continuation of the tax on spirits. It is, therefore, quite evident—it is at least highly probable—that a coalition of men holding antagonistic views on the question of protection, will at the first opportunity effect the abolition of the system of internal revenue.

This conjuncture of circumstances gives, in my judgment, a rare opportunity to relieve taxation in the States. And it is under the State governments that taxation is felt most severely. The National government has the benefit of easy because indirect forms of taxation. It is the direct tax that is felt to be oppressive. At the beginning of the war the National government levied a direct tax of twenty millions of dollars upon the States—about sixty-six cents per capita on the whole population. It frightened the people, and the effect was so depressing that all kinds of composition and adjustment were invented to avoid payment. But, concurrently with the fright occasioned by the direct tax, hundreds of millions were raised in a single year by customs and by excise without a word of protest or a sense of hardship.

Our State and municipal taxation is direct. It comes upon the property with crushing force. There are few communities in the United States that pay so little as one per cent. per annum on the actual value of their real property. There are many communities that pay more than two per cent. on the actual value. The houses, the farms, the factories, the stores, the shops, all feel it as a heavy burden—a burden unrelieved by any form of indirect taxation. Why, therefore, should not the States be permitted to have the tax on spirits for their own benefit if the National government does not need it? The National and State governments, as I think I have shown, cannot safely share the same revenue, but if the National government has no longer need of the tax on spirits, why should not the entire amount which it yields annually be paid over to the States? Could it be regarded as wise statesmanship to continue the heavy, oppressive direct tax on all property under the State governments, and at the same time command a hurtful luxury like spirits to go free? That would be a folly which no other government on the globe could by any possibility commit. The tax on spirits oppresses no one. It is paid only by the consumer, and the most extreme advocate of temperance cannot maintain that taxing the article increases its consumption.

The National Government has an absolute monopoly of the revenue from customs, for the States are forbidden by the Constitution to levy a tax on imports. The excise tax was left open both to the National and State governments. But as matter of fact, it is only the National Government that can effectively levy and collect it. Should the State of Illinois, for instance, attempt to levy an excise tax on whiskey, the distilleries would be removed across the river to Missouri. Each State in turn that attempts to collect an excise tax would find itself baffled and disabled. It is only the National Government that can do it, and the National Government can do it for the benefit of all the States. Instead, therefore, of repealing the tax on spirits, the National Government can assign it to the States in proportion to their population. The machinery of collection is to-day in complete operation. A bill of ten lines could direct the Secretary of the Treasury to pay the whole of it—less the small expense of collection—to the States and Territories in the proportion of their population, and to continue it permanently as part of the regular annual revenue of the States.

The amount yielded by the tax on spirituous and malt liquors last year was over eighty-six millions of dollars ($86,000,000). On the basis of the census of 1880 it would pay about one dollar and seventy-five cents per capita to all the people. The tendency would be to increase rather than to diminish this ratio as time wore on. Illicit distilleries would disappear when every State and every town should come to realize that it was being defrauded of its own revenue by permitting or winking at the violation of law. On the basis of one dollar and seventy-five cents per head the relief of the States would be very great. I append a table showing what each State would receive on the basis of the present revenue. *

In considering the measure, as I have very carefully for some months, I may possibly have overlooked objections which others may suggest. But the more I have reflected upon it the more evident it has become to my mind that it is wiser to tax whiskey than to tax farms and homesteads and shops, and that it would be an act of incalculable folly to remit the eighty-six millions of dollars instead of giving it to the States for the relief of oppressive local taxation.

I trust I have made the difference between this proposition and the Pennsylvania proposition sufficiently plain. The one I have suggested gives the revenue from a specified tax to the States and does not depend on a chance surplus or an accidental remainder in the National treasury. It makes the tax on spirituous and malt liquors a permanent resource to all the States, enabling them thereby to definitely readjust and reduce their own taxation. Each State could wisely use its own share for the relief of its own situation. In Maine, for example, our share would enable us to repeal absolutely the State tax proper, leaving only the county and town taxes upon the people. In your State of Pensylvania, where licenses support the State government, the cities and towns could receive pro rata the seven and a half millions that would fall to your share. Your own city of Philadelphia would receive nearly a million and a half per annum. States that have been so oppressed by debt as to be tempted or driven to repudiation, would regain their credit, and every community, from ocean to ocean, would, in one form or another, realize that burdens of taxation were in some degree ameliorated. I believe the measure would prove a "great beneficence" to the people in all parts of the Republic.

Very respectfully,

JAMES G. BLAINE.

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* NOTE—The following table will show the amount which each State and Territory would receive under the distribution outlined in the preceding letter. The amount is given in round thousands:

STATES.

Alabama	$2,208,000	Mississippi	$1 980,000
Arkansas	1,405,000	Missouri	3,794,000
California	1,557,000	Nebraska	791,000
Colorado	340,000	Nevada	100,000
Connecticut	1,188,000	New Hampshire	605,000
Delaware	255,000	New Jersey	1,980,000
Florida	470,000	New York	8,893,000
Georgia	1,598,000	North Carolina	2,450,000
Illinois	5,285,000	Ohio	5,596,000
Indiana	3,461,000	Oregon	215,000
Iowa	2,884,000	Pennsylvania	7,493,000
Kansas	1,743,000	Rhode Island	483,000
Kentucky	2,884,000	South Carolina	1,742,000
Louisiana	1,644,000	Tennessee	2,698,000
Maine	1,134,000	Texas	2,785,000
Maryland	1,634,000	Vermont	581,000
Massachusetts	3,120,000	Virginia	2,646,000
Michigan	2,863,000	West Virginia	1,081,000
Minnesota	1,365,000	Wisconsin	2,301,000

TERRITORIES.

Arizona	$70,000	Utah	$251,000
Dakota	236,000	Washington	121,000
Idaho	57,000	Wyoming	36,000
Montana	69,000	District of Columbia	310,000
New Mexico	208,000		

The Centennial of the Constitution.

The Constitution was framed in 1787, then submitted to the States for adoption, and the new government which it created formally inaugurated on the 4th of March, 1789.

The incoming administration will then remain in office until the hundredth anniversary of its adoption, and must prepare a fitting celebration of that great event.

The natural effect will be a revival of interest in Constitutional history and principles and a popular demand for a return to Constitutional methods of government. Strict adherence and loyalty to that great organic law will be the standard by which political parties will be judged.

Such a criterion should be adopted by the people during the present campaign, in order that the party which has ever construed the Constitution strictly in their favor as against the pernicious theory of centralization and imperialism, may put an end to war constructions in time of peace, and prepare to inaugurate the second century of its existence with their accustomed respect and reverence for that immortal document—a production which the foremost statesman of Europe has justly termed "the most wonderful work ever struck off at a given time by the brain and purpose of man."

There are thousands and tens of thousands of Independent and Republican voters who prefer the Jeffersonian or Democratic theory of local self-government to imperial tendencies, but who because of temporary and sectional issues have in the past affiliated with the Republican party. Happily those disturbing issues are dead and buried and the independent and intelligent masses are now considering first principles and drifting toward the wisely framed and popular platform of Jefferson and Madison.

To them the Democratic party cordially extends the right hand of fellowship and welcomes their co-operation in the coming return to Constitutional methods.

Administrative Reform.

Open the Books.

"We need to have the books in the government offices opened for examination," said our candidate for Vice-President, Thomas A. Hendricks, when he returned to his people on July 12th, 1884, laden with the honors heaped upon him at Chicago. In a sentence he expressed a leading thought of this campaign.

In the month of January, 1876, Senator Davis, of West Virginia, called the attention of the Senate of the United States to the changes and alterations in the Finance Reports, books and accounts of the Treasury Department, both by resolution and speech. He asked then for a committee of investigation, but the Republican Senate refused the appointment, and referred the resolution to the Standing Committee on Finance, which Committee accepted and presented, as its report, the explanatory letter of the Republican Secretary of the Treasury. This ended action in the Forty-fourth Congress. On the assembling of the Forty-fifth Congress, Senator Davis renewed his resolution, and this time was successful in obtaining the appointment of a committee, of which he was made the Chairman. The report following the investigation (46th Congress, 2d Session, Report No. 539) shows a most extraordinary condition of affairs, and, alone, amply justifies the demand of Senator Hendricks for the opening of the books of the government offices for examination.

WHAT IS THE REGISTER OF THE TREASURY?

The Register of the Treasury is the official bookkeeper of the government, and has been from its organization; he has charge of the great account books of the United States, which show, or ought to, every receipt and disbursement, and from which statements are annually made for transmission to Congress. This fact should be borne in mind for its relation to what follows:

It is and has been the custom and requirement that the Finance Report to Congress should state the public debt for each year of the existence of the government. In 1871 it was noted that the report of that year very widely differed from the Report of 1870; as to years from 1833 to 1870 inclusive. Prior to 1833, they agreed. The differences involve many million dollars.

AND WHY?

Up until the year 1870 the Register of the Treasury alone made the statement of the public debt, but in that year the Secretary of the Treasury made one as well, and his report and that of the Register did not agree; the discrepancies of the respective tables of statement excited unfavorable comment in the financial circles of England as well as this country, according to an Assistant Secretary of the Treasury. As a consequence, the Register was ordered to make changes in his table so as to make it conform with that of the Secretary, or to omit it altogether.

AN EXTRAORDINARY ORDER.

Here is the letter of order (see testimony of Register Schofield, p. 5):

"TREASURY DEPARTMENT,
"*November 24, 1871.*

"SIR: I have to request that the statement of the public debt on the 1st day of January in each of the years from 1791 to 1842, inclusive, and at various dates in subsequent years, to July 1, 1870, as printed on page 276 of the Finance Report for 1870, may be omitted from your tables in the forthcoming reports, or else that it be corrected to conform to Table H on page xxv of the same report for the same year.

"This request is made in consequence of a letter from the Assistant Secretary of the Treasury, now in London, who complains that these different tables are frequently referred to in England, and the discrepancies between them constantly and unfavorably commented upon.

"The table found on page xxv is, I believe, as nearly correct as the examination of the accounts up to the present time will enable it to be made, though I am under the impression there will be some changes necessary in order to make it absolutely reliable.

"Very respectfully,
"J. H. SAVILLE,
Chief Clerk.

"Hon. JOHN ALLISON,
"*Register of the Treasury.*"

This order certainly was a most singular one, for it commanded the Register of the Treasury, the bookkeeper of the government, either to falsify the results of his books, or to omit a practice which, if it had not the sanction of law, certainly had that of a long standing custom—a custom as old as the government itself, and therefore quite as binding. But the order was obeyed, and the Register's table of statement of the public debt for 1871 presented a wide discrepancy when compared with the one presented by himself in 1870.

This difference is what?

Large enough to startle even a Republican financier?

$247,767,341.66.

Below is presented the extraordinary statement, now a part of the records of the United States Senate:

STATEMENT F.—PREPARED BY SENATE COMMITTEE ON TREASURY ACCOUNTS.

Secretary's and Register's tabulated statements of the public debt for the fiscal years 1833 to 1870, inclusive.

Copied from the Finance Reports of 1870 and 1871.

Year.	Secretary's statement, Finance Report, 1870, page xxv.	Register's statement, Finance Report, 1870, page 276.	Secretary's compared with Register's.		Register's statement, Finance Report, 1871, page 368.	Year.
			Increase.	Decrease.		
1833.......	$7,001.698 83	$7,001,033 88	$665 95	....	$7,001,698 83	1833
1834.......	4,760,082 08	4,760,081 08	1 00	....	4,760,082 08	1834
1835.......	37.513 05	351,289 05	....	$313,776 00	37,513 05	1835
1836.......	336,957 83	291,089 05	45,868 78	....	336,957 83	1836
1837.......	3,308,124 07	1,878,223 55	1,429,900 52	....	3,308,124 07	1837
1838.......	10,434.221 14	4.857,660 46	5,576,560 68	....	10,434,221 14	1838
1839... ...	3,573.343 82	11,983,737 53	....	8,410,393 71	3,573,343 82	1839
1840.......	5,250,875 54	5,125,077 63	125,797 91	....	5,250,875 54	1840
1841.......	13.594,480 73	6,737,398 00	6,857,082 73	....	13,594,480 73	1841
1842.......	20,601,226 28	15,028,186 37	5,572,739 91	....	20,601,226 28	1842
1843.......	32,742,922 00	27,203,450 69	5,539,471 31	.. ..	32,742,922 00	1843
1844.......	23,461,652 50	24,748,188 23	....	1,286,535 73	23,461,652 50	1844
1845.......	15,925,303 01	17,093,794 88	....	1,168,491 79	15,925,303 01	1845
1846.......	15,550,202 97	16,750,926 33	....	1,200,723,36	15,550,202 97	1846
1847.......	38,826,534 77	38,956,623 38	... .	130.088 61	38,826,534 77	1847
1848.......	47,044,862 23	48,526,379 37	....	1,481,517 14	47,044,862 23	1848
1849.......	63,061,858 69	64,704,693 71	... .	1,642,835 02	63,061,858 69	1849
1850.......	63,452,773 55	64,228,238 37	....	775,464 82	63,452,773 55	1850
1851.......	68,304,796 02	62,560,395 26	5,744,400 76	....	68,304,796 02	1851
1852.......	66,199,341 71	65,131,692 13	1,067,649 58	....	66,199,341 71	1852
1853.......	59,803,117 70	67,340,628 78	....	7,537,511 08	59,803,117 70	1853
1854.......	42.242,222 42	47,242,206 05	....	4,999,983 63	42,242,222 42	1854
1855.......	35,586,956 56	39,969,731 05	....	4,382,774 49	35,586,956 56	1855
1856.......	31,972.537 90	30,963,909 64	1,008,628 26	....	31,972,537 90	1856
1857.......	28,699,831 85	29,060,386 90	....	360,555 05	28,699,831 85	1857
1858.......	44.911.881 03	44,910,777 66	1,103 37	....	44,911,881 03	1858
1859.......	58,496,837 88	58,755.699 33	....	257,861 45	58,496,837 88	1859
1860.......	64,842,287 88	64,769,703 08	72,584 80	....	64,842,287,88	1860
1861.......	90,580,873 72	90,867,828 68	....	286,594 96	90,580,873 72	1861
1862.......	524.176,412 13	514,211,371 92	9,965,040 21	....	524,176,412 13	1862
1863.......	1,119,772.138 63	1,098,793,181 37	20,978,957 26	....	1,119,772,138 63	1863
1864.......	1,815.784,370 57	1,740,690,489 49	75,093,881 08	....	1,815,784,370 57	1864
1865.......	2.680,647.869 74	2,682,593,026 53	....	1,944,156 79	2,680,647,869 74	1865
1866.......	2,773,236,173 69	2,783,425,879 21	....	10,189,705 52	2,773,236,173 69	1866
1867.......	2,678,126,103 87	2.692,199,215 12	....	14,073,111 25	2,678,126,103 87	1867
1868.......	2,611,687.851 19	2,636,320,964 67	....	24,633,113 48	2,611,687,851 19	1868
1869.......	2,588,452.213 94	2,489,002.480 58	99,449,733 36	....	2,588,452,213 94	1869
1870.......	2,480,672,427 81	2,386,358.599 74	94,313,828 07	....	2,480,672,427 81	1870
Total.	20,233,160,879 33 19,985,393,537 67	19,985,393,537 67	332,843.895 54 85,076,553,88	85,076,553 88	20,233,160,879 33 19,985,393,537 67	
Difference.	247,767,341 66	....	247,767,341 66	....	247,767,341 66	
Difference, or increase, in Secretary's statement, as compared with Register's statement........			247,767,341 66			

WHERE LAYS THE POWER TO ORDER A CHANGE ?

When Register Schofield was under examination before the Committee the following testimony was elicited (see testimony, page 9) :

By Mr. **BECK**

* * * * * * * * *

Q. The Constitution of the United States, in the 7th clause of section 9, article 1, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time ;" and section 313 of the Revised Statutes of the United States makes it th duty of the Register "to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States." Now please state by what authority, if any, the Secretary or his chief clerk, or anybody else, could direct the Register either to change his reports or conform them to any view that the Secretary or any one else might have as to the proper mode of keeping and publishing them ?—A. I suppose the Secretary has authority to prescribe the manner in which the accounts shall be kept, but I do not suppose that any Secretary has the right to alter the books of the Treasury, and I have always understood that that was never done.

Q. Admitting that the Secretary had the right to prescribe rules for the future action of the Register, had he any sort of authority to give orders as to how past events should be stated or past records changed after they had been published and submitted to Congress under the constitutional requirement ?—A. I think that would be a question which your committee ought to answer in your report.

By the CHAIRMAN :

* * * * * * * * *

Q. Are you not as Register the official bookkeeper of the government, and final custodian of all warrants and vouchers, whatever may have been paid for any expenditure or receipt of the government ?—A. Yes, sir.

Q. Can any money be received into or paid out of the Treasury without a warrant going through your office ?—A. Moneys are received into the Treasury by warrants and paid out on warrants, which by the act of 1789, Rev. Stat., sec. 305, must be drawn by the Secretary, countersigned by the Comptroller, and registered by the Register.

Q. I ask the general question whether any money can be paid out or received into the Treasury without the warrant going through your office ?—A. It cannot.

Q. You keep all accounts of the government, do you not, where money, or bonds, or anything which relates to the financial condition of the government is concerned ?—A. Yes, sir.

Q. When was the Register's office established ?—A. At the beginning of the government, by the act of 1789.

Q. When was the Secretary's office as a warrant division established ?—A. The Secretary always issued the warrants, but I think the warrant division as it now exists is of recent origin.

Q. Can you give us the time ?—A. I cannot without looking it up ; I think about 1870.

This order of the Secretary of the Treasury resulted in an increase of over $247,000,000 in the public debt, as shown by the statement of it for the year 1871, going back to the year 1833, though during those years the statements made to Congress purported to be an accurate transcript of the books of the Register.

THE MODE OF STATING THE PUBLIC DEBT.

It appears that after 1870, in accordance with the order of the Secretary, there was a difference in the mode of stating the public debt. How these changes were made is well shown by William Guilford, who in the Register's Office had charge of making up the Receipts and Expenditures of the government. His testimony is as follows (see testimony, pp. 25 and 26) :

* * * * * * * * *

Q. Did you prepare that statement for the committee in the Register's office (handing to witness statement marked "Statement No. 2"), being a "statement of the Receipts, Expenditures and outstanding principal of the Public Debt, interest, and premium paid from 1860 to 1877, inclusive, compiled from the books in the Register's office ?"—A. Yes, sir; I prepared that with my own hands.

* * * * * * * * * *

Q. I see in a column headed "Amounts to be added to receipts," marked "b," $2,019,776.10; and another one marked "c," $1,000,000; and then one marked "d," $3,274,051.69, making a total of $6,293,827.79, which you say is "to be added to receipts." What is meant by that ?—A. That is in accordance with the Secretary's Report of 1871. Those amounts do not appear upon our books. They are added in accordance with the Secretary's order, in order to harmonize the two, as is shown in the report of 1871.

Q. I understand that these three items, amounting to between six and seven million dollars, do not appear upon your books ?—A. They do not.

Q. But are added here by order of the Secretary ?—A. So I understand.

Q. How did you state the debt for 1870 and previously ?—A. I did not state it myself, but it was stated by the Issues and Redemptions.

Q. How has it been stated since ?—A. It has been stated since by Receipts and Expenditures, and the table has been revised in accordance.

Q. In the revision you speak of, you changed the amounts as they had previously been reported from your office, commencing with 1833 ?—A. Yes, sir.

By Mr. ALLISON:

Q. Do I understand that you have charge of the books in the Register's office showing the Receipts and Expenditures of the government ?—A. No, sir; I compile from the books the Receipts and Expenditures.

Q. It is a part of your duty, then, to make up a tabulated statement annually of the Receipts and Expenditures from the books of the Register ?—A. Yes, sir.

A GREATER MAN THAN HAMILTON.

Alexander Hamilton, when Secretary of the Treasury, adopted the system of stating the public debt by "Issues and Redemptions," but Secretary Boutwell, being a greater man, changed the Hamiltonian system in 1870 to "Receipts and Disbursements," with a consequent result of increasing the public debt statement by over **$247,000,000.** The testimony of Major Power, then Chief Clerk of the Treasury Department (p. 61), shows that not only an accurate statement could be made up from the Issues and Redemptions alone, but that it was the best way.

Why was the change in the mode of statement made ? No improvement is the result, but upon the contrary a confusion most vexatious, as the following will show :

DIFFERENCE BETWEEN RECEIPTS AND EXPENDITURES.

Major Power testifies (see testimony, pp. 80 and 81) :

By the CHAIRMAN :

* * * * * * * * * *

Q. Look at the report of 1871, at page 20, and state what the total receipts of the government up to June 20, 1871, were.—A. The total receipts received into the Treasury on account of loans were $7,094,541,041.38.

Q. The net expenditures ?—A. $4,857,434,540.51, leaving a balance of $2,237,106,500.87.

Q. State what the difference is between that and the actual amount of the public debt at that time ?—A. The actual public debt was $2,353,211,332.32.

Q. What is the difference between the actual debt and what it would appear to be on the basis of Receipts and Expenditures ?—A. $116,104,831.45.

Q. If Receipts and Expenditures were the true way to keep the public debt, ought not the difference between Receipts and Expenditures to have shown the actual amount of the public debt ?—A. It should have shown the actual amount of the public debt plus the amount of loans or bonds issued for which no receipts came into the Treasury.

Q. You have said that it does not state the true amount of the public debt by $116,000,000, in round numbers. What is the reason why it does not show the true amount ?—A. On account of the loans that were issued and redeemed afterwards, for which no receipts came into the Treasury, and various items of discounts, premiums, and interest charged as principal.

Q. If that be so, Receipts and Expenditures alone would not show the actual public debt ?—A. Not unless you add these items for which no receipts were received.

* * * * * * * * * *

Mr. Bayley, of the Secretary's office, testifies (see testimony, p. 121) :

By Mr. DAWES :

* * * * * * * * * *

Q. When did this $116,000,000 first appear in the Finance Report ?—A. The first note is in 1871.

Q. When did this $116,000,000 first appear ; what is it a discrepancy between ? —A. The discrepancy is between the amount received on account of loans and Treasury notes.

Q. In the published reports in which year did it first appear to make a discrepancy ? A. In 1870.

Q. Under what head ? A. Under the head of tables K and L.

Q. What are their names ? A. " Statement of the Receipts and Expenditures of the United States."

Q. That made a discrepancy of $116,000,000 between that statement and what other statement ? A. And the amount of the public debt as shown at that time by the debt statement.

Q. This $116,000,000, then, first appeared there ? A. Yes, sir.

Mr. Bayley here says that he found a difference of $116,000,000 between the public debt statement at that time and the amount of debt stated from Receipts and Expenditures, and the discrepancy appeared for the first time in the Finance Report of 1871. That is to say, when the Receipts and Expenditures on account of the public debt were compared in 1870, there were $116,000,000 of public debt, according to the Secretary's debt statement, unaccounted for by a statement made up from the Receipts and Expenditures :

From the beginning of the government to June 30, 1871 :

The total receipts were	$7,094,541,041 38
The total net expenditures	4,857,434,540 51
Balance	2,237,106,500 87
The public debt, June 30, 1871	2,353,211,332 32
Difference	116,104,831 45

VERY REMARKABLE BOOKKEEPING.

This certainly is very remarkable bookkeeping, if it be no worse. But it is not alone in these particulars that this looseness of administration is shown. Perceive how little check there is in the issue of bonds and how easy for a dishonest man to enrich himself when the opportunity presents itself.

William Fletcher, Chief of Loan Division, in answer to how bonds were issued, said (see testimony, pp. 126, 127 and 128):

By the CHAIRMAN :

* * * * * * * * * *

Q. Please explain where, when you went into the office, and where at present, bonds were and are issued ? A. I did not know much about it at the time I entered the office, and I do not know that I can tell how bonds were issued fifteen years ago. I was then a clerk of class one and had not the management ; neither have I been over the papers so as to be able to tell how bonds were issued then. I can tell how an issue is made now and how it has been for a number of years.

Q. State that. A. A deposit is made in the office of the Treasurer, for which he issues a certificate, and upon that certificate our office issues an order on the Register of the Treasury. On that order bonds are issued. I have a certificate here which I can show.

Q. Does the bond come back to your office ? A. Yes, sir ; and receives the seal and is initialed.

Q. Does it then go back to the Treasurer's office ? A. No, sir ; not to the Treasurer's. It is delivered in accordance with instructions indorsed on the Treasurer's certificate.

Q. The Treasurer, after giving the order, has nothing further to do with the bond in any way ? A. No, sir.

* * * * * * * * * *

Q. If you did so, the bond would come to your office for putting on the initials? A. Yes, sir.

Q. And would not go to the Treasurer to see if he had money for it in the Treasury? A. It would not go to the Treasurer.

Q. If the Treasurer issues a certificate for a one thousand dollar bond, is there anything to prevent an order for two thousand dollars of bonds being sent to the Register's office from your office? A. Only our checks.

Q. Your integrity? A. Yes, sir.

Q. I am putting that out of the question all the time. If such a bond was issued, that two thousand dollar bond would come back to your office. What would you do with? A. The initials of the clerk having charge of the loan would be put upon it, and it would be sealed.

Q. But the Treasurer himself would know nothing of it? A. No, sir.

Q. Do you keep an account in your office of accrued interest on bonds when they are issued? A. We keep an account of it as furnished by the certificate of deposit.

Q. To make plain, if I were to ask you to-day to furnish me a list of accrued interest upon bonds sold since 1864, or any other time, could you do it? A. I could not.

Q. It is not kept in your office in such a way that you could? A. No, sir.

* * * * * * * * * *

And Treasurer Gilfillan testifies (see testimony, pp. 106 and 107):

By the CHAIRMAN:

* * * * * * * * *

Q. How do you know that a bond is issued for the same amount that you gave a certificate for? A. I have not any knowledge of the transaction after having given the receipt.

Q. If A applies for a $1,000 bond and pays you the principal and accrued interest, you give him a receipt for that $1,000. That then goes to the Loan Division of the Secretary's office, as I understand, and the Loan Division issues an order to the Register to issue the bond? A. Yes, sir.

Q. The Register issues the bond, and does what with it? A. Transmits it usually to the subscriber, to the depositor.

By Mr. DAWES:

Q. Before he does that, does he not send it to the Secretary? A. This present loan, as I understand, goes back to the Loan Division of the Secretary's office. A part of the process is then completed: I think putting on the seal and an initial.

By the CHAIRMAN:

Q. That is the same office that gave the order for the bond? A. Yes, sir. Whether they send the bonds or not I am not certain.

* * * * * * * * *

Q. Is there anything other than the integrity of the officer to prevent the Loan Division, if it receives a certificate from you of $1,000, directing the Register to issue a bond of $2,000? A. I do not know that there is, of my own knowledge.

Q. Is there any check upon the Loan Division from making an order upon the Register to issue to A a bond of any given amount? A. Not that I am aware of.

Q. How long has the present system of issuing bonds been in practice? A. I think ever since there has been a Loan Division. I know it was so in Mr. Boutwell's time.

* * * * * * * * *

Thus it will be seen the Chief of the Warrant Division, the Chief of the Loan Division, and the Treasurer of the United States all say that there is no check upon the Loan Division in issuing bonds, and that upon the integrity of one man in the Loan Division may depend whether or not the bonded debt of the government is as reported.

WHO KNOWS HOW MANY LEGAL TENDER NOTES ARE IN CIRCULATION.

It is quite the same with regard to the issue of legal tender notes.

In regard to the issue of legal tender notes, Major Power testifies (see testimony pp. 92 and 93):

By the Chairman :

* * * * * * * * * *

Q. The Register's name is on the notes, I believe ? A. Yes, sir.

Q, Does the Register ever see the notes ? A. Not until they are redeemed.

Q. Then a note issued, though it is signed by the Register, never passes through the Register's office ? A. That is, the notes bear the *facsimile* of the Register's signature.

Q. I understand that the Superintendent of the Printing Bureau delivers to the Treasurer direct the notes, legal tenders or fractional currency when the latter was in existence. Do they pass through any other hands but those two ? A. They do not.

Q. They are ready for circulation when the Treasurer receives them from the Printing Bureau ? A. They are then ready for circulation.

Q. They are ready ? A. Yes ; but they cannot be put into circulation legally until the Treasurer covers the amount into the Treasury ; they are not money in the Treasury until covered in.

Q. Still they are in his possession and no one else has possession of them but the Treasurer, and he could, if he was dishonest, put them in circulation without making any further report about the matter ? A. There is no other check upon the immediate issue of these notes.

Q. They do not pass through the Register's office until thay are redeemed and ready for destruction ? A. No, sir.

Q. Then are they registered in the Register's office, all that have been destroyed ? A. They are.

* * * * * * * * * *

Q. And the same as to deliver from the Printing Bureau to the Treasurer has been in existence since the act creating the two classes of notes, the legal tenders and fractional currency ? A. Yes, sir.

Q. And they pass through no other hands, I understand, as a check ? A. No, sir.

* * * * * * * * * *

This shows that the Register's name is on all legal tender notes, that he does not see them until they are redeemed, and that there is not a proper check on the Treasurer or Bureau of Printing in this regard, so that the Chief of the Bureau of Printing or the Treasurer, if dishonest, could put notes improperly in circulation.

INTEREST PAID WITHOUT KNOWING THE AMOUNT OF BONDS OUTSTANDING.

Nor is there anything more satisfactory with regard to the statement of money received for bonds, principal and interest together. According to the following testimony the Treasurer pays the interest on the bonds, but he cannot give the amount of bonds outstanding.

AMOUNT OF INTEREST ON BONDS.

James Gilfillan, Treasurer of the United States, testifies (see testimony, pp. 104 and 105):

By the Chairman :

Q. To put it practically, if you were asked to-day to furnish this committee with the total amount of interest and principal received last year in bonds which were sold, could you furnish it ? A. Not from the books, my impression is, without going through and taking the warrants and separating them.

Q. You understand that when the entry is made upon the books it is made in gross and not separate entries, one of principal and the other of interest ? A. Yes, sir. The items of receipts are internal revenue, lands, war, and navy (which are repayments), and miscellaneous. The miscellaneous includes the public debt and other receipts except those before named, which would include principal and interest. I think that was what you requested of me in my statement.

Q. Which you said you could not furnish ? A. Yes, sir. It was said it could not be furnished as the books had been kept from 1861.

* * * * * * * * * *

Q. No separate account on the books was kept of principal and interest ? A. Of the receipts, no, sir.

Q. Can your office give the exact amounts of bonds now in circulation? A. A. No, sir.

* * * * * * * * * *

Q. Then you might, so far as your office is concerned, pay coupons of duplicate numbers, or a greater amount of coupons than were out? A. If they were genuine coupons.

Q. How would you know whether they were genuine or counterfeit—on the same principle that you know whether a note is a counterfeit or not? A. Exactly.

Q. But you have no means of knowing whether a bond has been fraudulently or illegally or wrongfully gotten into circulation or not? A. Unless in the case of registered bonds, which are caveated, and we might have been notified; but we never should be notified of that, because it is not necessary.

* * * * * * * * *

This shows that the Treasurer keeps the moneys received for bonds, principal and interest together, and that he cannot tell from the books how much was received for principal and how much for accrued interest for a given time; that is, accrued interest on bonds sold is not kept as a separate account. The treasurer pays interest on bonds, but he cannot give the amount of bonds outstanding. The treasurer pays all coupons presented, if genuine, but he does not know whether or not duplicates are paid by him or by the sub-Treasurers elsewhere.

After the foregoing statement of extraordinary discrepancies and differences of debt statements, of unlawful changes in the increase and decrease of debt, and the showing of looseness of administration, of absence of checks in the issue of bonds and legal tender notes, by which the Government is protected only by the integrity of only a single clerk, and of the singular want of knowledge the Treasurer has of the amount of outstanding bonds on which he pays interest, the reader may be well prepared for the following statement of erasures and changes in the books of the Treasury.

APPARENT ERASURES AND CHANGES IN THE BOOKS OF THE TREASURY.

On the question of erasures and apparent changes in the books of the Treasury is the following testimony of Mr. Woodville (see testimony, pp. 110, 111, 112 and 113):

WILLIAM WOODVILLE recalled.

By the CHAIRMAN:

Question. By whom was the statement that I hand you prepared? (Exhibiting.)—Answer. Prepared by Mr. Byrne, formerly clerk of this committee.

Q. Have you examined it by the books so as to be able yourself to testify to it? A. Yes, sir; I can testify to this statement. I went over it with him and checked it off with him from the other book.

Q. Have you recently re-examined it?—A. Yes, sir; I have refreshed my memory about it to-day.

Q. Is it correct?—A. It is correct, with the exception of a few memoranda which are marked there; two exceptions which I have specified on it.

The CHAIRMAN. I offer that in evidence, as having been the result of the work of Messrs. Woodville and Byrne together, and want it to go in.

Memorandum of erasures, alterations, and changes found in "Register of Public Debt Warrants" from January 1, 1865, *to December* 31, 1869. *Secretary of the Treasury.*

Year.	Date.	Number of warrants.		Amount.
1865	Jan. 3	1737	Amount altered and scratched	$11,981 56
	17	1883	Amount altered and scratched out; canceled	....
	Feb. 6	2053	Amount altered and scratched	40,434 54
	9	2099	......do	187,932 33
	10	2118	......do	669,920 00
	17	2160	......do	450,500 00
1865	Mar. 3	2302	......do	18,392 10
	16	2398	......do	211,640 00
	Apr. 17	2678	......do	1,087 12
	28	2784	......do	38,221 57
	May 8	2855	......do	26,003 09
	17	2944	......do	28,616 15
	20	2983	......do	57,020 75
	June 5	3116	......do	958,240 00
	19	3238	......do	20,462 17
	21	3256	......do	17,999 78
	22	3275	......do	625 00
	July 11	3445	......do	3,758 63
	Aug. 1	3628	......do	976 89
	1	3629	......do	80 00
	5	3672	......do	243,688 70
	14	3718	......do	67,258 77
	Sept. 4	3881.	......do	1,743,700 00
	14	Scratched.	Amount altered and scratched out	....
	14	......do....	......do	....
	21	4025	Amount altered and scratched	13,000,000 00
	25	Scratched.	Amount altered and scratched out	....
	30	4088	Amount altered and scratched	959 08
	Nov. 8	4371	Amount erased with red lines should be in Treasury proper	220 00
	8	4372	......do	150 00
	8	4373	......do	200 00
	8	4374	......do	74 00
	27	4486	Amount altered and scratched	82,548 33
	Dec. 16	4611	......do	84,800 00
1866	Jan. 6	4746	......do	304 19
	16	4817	......do	46,555 17
	22	4862	......do	154 62
	26	4900	......do	24,380 00
	30	4920	......do	1,136 34
	Apr. 18	5454	......do	6,163 73
	May 7	5621	......do	107 71
	12	5673	......do	45,176 73
	15	5701	......do	89,900 00
	28	5795	......do	1,241,004 15
	June 6	5888	......do	6,791 87
	6	5900	......do	257,500 00
	13	5958	......do	20,637 67
	25	6064	......do	136,325 88
	July 31	6436	......do	29,731,300 00
	31	6437½	......do	23,127,248 27
	Aug. 2	6473	......do	7 49
	21	6608	......do	372,424 36
	23	6632	......do	30,906 43
	23	6634	......do	55,298 62
	Sept. 4	6742	......do	585 97
	21	6926	......do	15,520 77
	29	6938	......do	52,485 35
	29	6940	......do	20,160,600 00
	Oct. 31	7232	......do	8,000,000 00
	31	7234	......do	7,000,000 00
	31	7234	......do	19,981,750 00
	Nov. 16	7331	......do	48,891 17
	22	7378	......do	3,535 02
1867	Jan. 7	20	Amount altered and scratched; canceled	1,378,450 00
	7	22	......do	2,621 89
	8	27	Amount altered and scratched	50,000 00
	8	30	Amount altered and scratched; canceled	29,556 95
	12	52	Amount altered and scratched	1,623 95
	15	83	......do	5,129 71
	Feb. 19	Scratched.	Amount altered and scratched; canceled	4,000,000 00
	Mar. 29	397	Amount altered and scratched	4,963 40
	June 12	663	......do	11,449 96
	27	704	......do	103 00
	Aug. 8	830	......do	394,100 00
	24	869	......do	788,000 00

Memorandum—continued.

Year.	Date.	Number Warrants.		Amount.
	24	870	Amount altered and scratched	1,031 83
	27	875	......do	401,000 00
	31	884	......do	340.500 00
	Sept. 21	934	......do	350 00
	Oct. 17	Scratched.	Marked in margin "(Directed same to issue on November 1)," and the entry crossed out with black lines, whilst the amounts in figures are not erased. The aggregate amount of the warrant is.	24,069,000 00
	Dec. 2	1051	Amount erased with red lines; see next page	356,400 00
	2	1052	......do	128,000 00
1868	Feb. 14	62	Amount erased with lines; canceled	$2,000,000 00
	June 3	174	Amount erased with red lines ...$14,450 00	
	3	174	......do 527 42	
				14,977 42
	July 31	236	Amount altered and scratched	28,283,850 00
	Aug. 27	259	......do	200,000 00
	Sept. 12	285	Amount erased with red lines; canceled	5 00
	Oct. 31	346	Amount erased with red lines	23,735,382 50
	Nov. 12	377	Amount erased with red lines; canceled	3,045,000 00
	12	377	......do	37,661 50
1869	Mar. 20	60	......do	1,233,791 98
	July 31	135	In several amounts this warrant shows alterations and scratches	20,824,402 08
			In the recapitulation for the month of July, 1869, in the item of "Redemption of the Public Debt," the figures are altered and scratched $12,561,467.49	
			In the recapitulation for the month of August, 1869, the amounts entered are in several items altered and scratched.	
	Sept. 30	176	Amount altered and scratched	21,314,102 68
	Oct, 30	186	......do	5,630,541 84
	30	187	Amount altered and scratched; premium on sinking-fund principal	311,945 10
	Nov. 30	203	Amount altered and scratched; redemption of the public debt	7,265,416 00
			In the month of November, 1869, the amounts entered in the recapitulation are scratched and altered in several items.	

ROOM 65 TREASURY BUILDING,
COMMITTEE ON TREASURY ACCOUNTS,
Washington, D. C., November 22, 1878.

SENATOR: I make, at your request, a copy from my "memorandum book of alterations and erasures," from a book called "Register of Public Debt Warrants."

In my examination of the books furnished the committee by the Secretary of the Treasury, I have thus far noted 1,120 alterations and changes in the 39 books I have examined.

Most respectfully, your obedient servant,
EDWD. BYRNE.

Hon. H. G. DAVIS,
Chairman, &c.

Q. Have you made examinations of different books in the Secretary's, the Register's and the Treasurer's office?—A. My examination was particularly in the Register's and Treasurer's books, and the public debt of the Secretary from 1860 to 1871, inclusive.

Q. Did you find upon those books alterations or errors or erasures in figures?—A. Yes, sir; I found alterations, scratches, canceled warrants.

Q. To what extent?—A. In the Treasurer's books from 1860 to 1867, inclusive, the alterations, scratches, and canceled warrants amounted to about twelve hundred in round numbers.

Q. Twelve hundred different alterations?—A. Alterations, scratches, and canceled warrants, anything like a change from the original amount.

Q. Just explain generally what you found upon the books in regard to erasures or alterations of figures ?—A. Amounts scratched and new figures substituted.

2,500 ERASURES IN LEDGERS INVOLVING $280,000,000.

These changes, alterations and erasures involve an aggregate sum of about $280,000,000 since January 1st, 1865, less than twenty years. Why these changes and erasures ? What transactions do they cover ? What is hidden beneath them ? But the erasures are not all. Mr. Woodville, in his testimony, continues :

Q. Do you know of any leaves being entirely out of the books that appeared to have been cut out ? A. Yes, sir ; in the beginning of the war some of the Treasurer's accounts are that way, about 1861 and 1862.

Q. In how many instances ? A. Two, four leaves in one case and five in the other; I can produce the books if you wish.

Below will be found the detailed statement of the number and whereabouts of these erasures :

John W. Gentry, acting as a clerk to the committee, was examined and testified (see testimony, p. 165) :

By the CHAIRMAN :

Question. Have you made a careful examination of certain ledgers of the Register and Secretary of the Treasury ?—Answer, I have.

Q. You selected one of the number that you have examined as an example of all that you have examined ?—A. I did of those mentioned in this statement.

Q. Is the statement before you the statement you wish now to offer as being a correct statement of the erasures and apparent alterations on the books you examined ?—A. It is.

Again (see testimony, p. 174):

The eight (8) ledgers enumerated below have also been examined, with the results as stated.

Three (3) *ledgers from office of Register.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
1. Interior appropriation ledger No. 4.	From July 1, 1861, to June 30, 1868....	One hundred and fifty-three.
2. Naval appropriation ledger No. 6.	From July 1, 1861, to June 30, 1866....	One hundred and thirty-seven.
3. Military appropriation ledger No. 13.	From July 1, 1867, to June 30, 1871....	One hundred and thirty-eight.

Six (6) *ledgers from office of Secretary of Treasury.*

Title of ledger.	Period.	Number of erasures and apparent alterations.
4. Interior appropriation ledger No. 3.	From July 1, 1860, to June 30, 1868....	Two hundred and ninety-six.
5. Naval appropriation ledger No. 5.	From July 1, 1860, to June 30, 1863....	One hundred and ninety-three.
6. Naval appropriation ledger No. 6.	From July 1, 1863, to June 30, 1867....	Six hundred and sixty-eight.
7. Naval appropriation ledger No. 7.	From July 1, 1867, to June 30, 1875....	Four hundred and fifty-seven.
8. Military appropriation ledger No. 10.	From July 1, 1859, to June 30, 1863....	One hundred and sixty-eight.

Three ledgers from Register's office, containing....	428 erasures and apparent alterations.
Six ledgers from Secretary's office, containing............	2,099 erasures and apparent alterations.
Total in 9 ledgers..................................	2,527

I certify that I have carefully examined the nine (9) ledgers enumerated above, and that the foregoing is a true statement of the erasures and apparent alterations.

JNO. W. GENTRY, *Clerk.*

Q. (By Mr. DAWES.) In the cases where your tables show what are called erasures and alterations, are you able to tell what the figures, as they now exist, have been substituted for ?—A. I am not.

These scratches and erasures do not occur wholly in the daybooks or journals but in ledgers, and upon this point take the testimony of an experienced accountant, Major Power (see testimony, p. 91):

By the CHAIRMAN :

* * * * * * * *

Q. Do you know whether or not there are scratches, changes or alterations, whatever you choose to call them, upon the books of the department ; take the Secretary's office ?—A. Scratches and mis-entries occur, I believe, in all systems of accounts, and the Secretary's office of the Treasury Department is no exception to that. A clerk may make a mistake at any time.

Q. Is that likely to follow from the day book or journal into the ledger ?—A. It would be in the journal or register.

Q. But it ought not to be in the ledger ?—A. No scratches or mis-entries should occur in the ledger.

Q. You keep what is known as a register or journal, and post from that into the ledger, do you not ?—A. Yes, sir.

* * * * * * * *

SOMETHING VOTERS MAY WELL CONSIDER.

The American voter may well stop and consider, what the wide discrepancies mean, what these erasures of 2,527 in the ledgers of the Registers' and Secretaries' offices portend. Time hides many things, destroyed leaves and cut pages conceal others, but there is one thing that the American people can have done and that is what Governor Hendricks suggests, "the books of the Government opened for examination," by faithful and honest public servants.

After the foregoing record is examined, the American voter is well prepared to consider the following partial list of defalcations which have occurred during the past twelve years, defalcations upon the part of the servants of the American people.

DEFALCATIONS OF UNITED STATES OFFICIALS

DURING THE ADMINISTRATIONS OF PRESIDENTS GRANT, HAYES AND ARTHUR, COMPILED FROM THE PUBLIC RECORDS.

TOTAL AMOUNT STOLEN, SIXTEEN MILLION EIGHT HUNDRED AND SIXTY-EIGHT THOUSAND FOUR HUNDRED AND SIXTY DOLLARS AND SIXTY CENTS.

This does not include money stolen from the Government under the Whiskey Ring frauds, Star Route frauds, Post Office Department defalcations, Burnside's frauds, Signal Service (Howgate's) frauds, or the Naval Medical Bureau frauds, or the defalcation of the Disbursing Clerk of the State Department.

Statement of amount of defalcations of Officers of the United States for the fiscal years of 1869 to 1883, both inclusive, as shown by the certified transcripts of the Accounting Officers of the Treasury Department filed in the U. S. Courts and by the annual reports of the Solicitors of the Treasury to the Secretary of the Treasury and to the Attorney-General of the United States.

This statement embraces only defalcations where suit has been brought by the United States against the defaulting officers or their bondsmen and does not include suits against defaulting Post Office Officials.

The First Comptroller of the Treasury is directed by section 272 of the Revised Statutes of the United States: "To make an annual Report to Congress of such "officers as shall have failed to make settlement of their accounts for the pre-"ceding fiscal year."

No such report as is required by this mandatory law has been made from 1869 to the close of the last fiscal year.

Had this law been obeyed, the country could have the satisfaction, at least, of knowing the amount it has lost by the defalcations of its officers, the names of the defaulting officers and whether they are still in office or not. The amounts of defalcations upon which no suit has been brought cannot be obtained from any official publication. It is the secret of the Republican Officials and the Republican party.

Defalcations during the fiscal year ending June 30, 1869	$2,047,027 02
Collections by suit unknown.	
Defalcations during the fiscal year ending June 30, 1870	$453,937 78
Collections by suit unknown.	
Defalcations during the fiscal year ending June 30, 1871	$3,606,661 06
Collection by suit	5,330 32
Loss to Government	$3,601,330 74
Defalcations during the fiscal year ending June 30, 1872	$2,767,857 36
Collections by suit	104,423 13
Loss to Government	$2,663,434 23
Total amount of defalcations for the four fiscal years preceding June 30th, 1872	$8,875,484 22
Total collected by suit	109,753 45
Total loss to Government	$8,765,729 97
Defalcations during the fiscal year ending June 30, 1873	$1.206,936,55
Collections by suit	170,781 32
Loss to Government	$1,036,155 23
Defalcations during the fiscal year ending June 30, 1874	$760,575 72
Collections by suit	40,326 12
Loss to Government	$720,249 60
Defalcations during the fiscal year ending June 30, 1875	$1,381,119 28
Collections by suit	25,072 43
Loss to Government	$1,356,046 85
Defalcations during the fiscal year ending June 30, 1876	$1,298,616 06
Collections by suit	36,468 48
Loss to Government	$1,262,147 58

Total amount of defalcations for the four fiscal years preceding June 30, 1876	$4,647,247 61
Total collected by suit	272,648 35
Total loss to Government	$4,374,599 26
Defalcations during the fiscal year ending June 30, 1877	$794,451 64
Collections by suit	23,249 99
Loss to Government	$771,201 65
Defalcations during the fiscal year ending June 30, 1878	$264,010 35
Collections by suit	8,235 62
Loss to Government	$255,774 73
Defalcations during the fiscal year ending June 30, 1879	$231,854 94
Collections from suits	4,568 30
Loss to Government	$227,286 64
Defalcations during the fiscal year ending June 30, 1880	$485,679 09
Collections from suit	15,418 30
Loss to the Government	$475,260 79
Total amount of defalcations during the four fiscal years preceding June 30, 1880	$1,775,998 02
Total collections by suit	51,472 21
Total loss to the Government	$1,724,523 81
Defalcations during the fiscal year ending June 30, 1881	$488,477 97
Collections by suit	11.785 04
Loss to Government	$476,692 93
Defalcations during the fiscal year ending June 30, 1882	$427,920 24
Collections by suit	1,224 14
Loss to Government	$426,196 10
Defalcations during the fiscal year ending June 30, 1883	$653,835 56
Collections by suit	5,924 32
	$647,911 24
Total amount of Defalcations during the *three* years preceding June 30, 1883	$1,569,733 77
Total collections by suit	18,933 50
Total loss to Government	$1,550,800 27

RECAPITULATION.

Amount of defalcations under Grant's first Administration	$8,875,483 22
Amount of defalcation under Grant's second Administration	4,547,247 61
Amount of defalcation under Hayes' Administration	1,775,996 02
Amount of defalcation under Arthur's three years' Administration	1,569,733 77
Total defalcations	$16,868,460 62

This makes an average yearly defalcation during the fifteen years preceding June 30th, 1883, of one million one hundred and twenty-four thousand five hundred and sixty-four dollars ($1,124,564.00).

The amounts of defalcations by Post Office Department officials during the time stated above, are so intermingled in the Official Reports with other matters that they cannot be ascertained.

This statement does not include the money stolen under the Whiskey Ring frauds, Star Route frauds, Howgate's Signal Service frauds, Burnside's P. O. frauds, Navy Medical Bureau frauds, or other frauds of that nature.

Section 176, Revised Statutes of the United States provides that bonds shall be given by Disbursing Officers of the Government, satisfactory to the Solicitor of the Treasury, and the Secretary of the Treasury is authorized to cause the bonds to be renewed, strengthened and increased, at his pleasure.

Section 3144 has a similar provision concerning Internal Revenue Officers' Bonds, with the substitution of the First Comptroller of the Treasury for the Solicitor.

The small percentage of collections on the suits as shown by the Reports of the Solicitor of the Treasury, makes it clear that the laws above cited have not been executed. The collections on the Bonds of the defaulting officers do not amount to five per cent. of the defalcations.

Section 3622 of the Revised Statutes directs that:

"Every officer or agent of the United States who receives public money which " he is not authorized to retain as salary, pay or emolument, *shall render his ac-" counts monthly*. Such accounts with the vouchers necessary to the correct and " prompt settlement thereof shall be sent to the Bureau to which they pertain, " *within ten days after the expiration of each successive month*, and after examina " tion there, shall be passed to the proper accounting officer of the Treasury. " Disburing officers of the Navy shall render their accounts and vouchers direct " to the proper accounting officer of the Treasury."

This section also gives authority to the Heads of the Department to prescribe *such other* rules as they may deem necessary for the prompt settlement of these accounts, and "the public interest may require."

Had these laws been faithfully executed, it is obvious that no officer could nave defaulted over one mouth without discovery, and the enormous losses to the Government would have been reduced to a minimum, if not altogether prevented. The failure of the Government officials to execute these laws gives the sureties of defaulting officers a good defence against the United States, as will be seen by the following extract from the *Sunday Herald*, of Washington, D. C., of July 27th, 1884:

"It is said the bondsmen of ex-Disbursing Officer Burnside, of the Post Office " Department, will claim that the law, in settling that officer's accounts, was not " complied with, and that they are not therefore liable; that, had the Department " settled the accounts as the law required, it would have been discovered that " Burnside was deficient in his accounts many years earlier, and at a time when " the account was small and the deficiency could have been made good. One of " the bondsmen said to the *Herald* last week: 'We cannot be held responsible " for lack of duty on the part of the Government officials whose duty it was to " examine these accounts.'"

The following statement copied from "*The Post*" of Washington, D. C., of June 20th, 1884, illustrates the fact that the laws for the protection of the public funds have not been executed.

J. O. P. Burnside was appointed Disbursing Officer of the Post Office Department, in 1876. He was appointed from Illinois, upon the recommendation, it is reported, of General John A. Logan, now candidate for Vice-President on the Republican ticket. It will be seen he commenced defaulting as soon as he entered upon the duties of his office. He continued doing so with perfect impunity for seven years, though his office and his accounts were in the same building with the Auditor of the Treasury for the Post Office Department, and accessible every day to the examination of the Comptrolling officers of the Treasury. As a matter of fact, had not public attention been called to Burnside's losses in a fraudulent oil speculation, which caused his accounts to be examined, the defalcations would not now be known. The investigation shows thus far the defalcation of between eighty and one hundred thousand dollars.

"BURNSIDE SURRENDERED.

"HIS BONDSMEN REFUSE TO AID IN SHIELDING HIM ANY LONGER.

"THEIR ACTION THE OUTCOME OF DEVELOPMENTS MADE YESTERDAY, SHOWING SYSTEMATIC STEALING—ANOTHER DISBURSING OFFICER SHORT.

"The developments in the various Government defalcations were of a startling "nature yesterday, one more being added to this number, besides an accumulation against the already arrested men. The investigation of the accounts of "Col. Burnside, late of the Post Office Department, has resulted in some new "revelations as to the manner and extent of his frauds. His rearrest was the outcome of the investigation now going on. It seems that in addition to diverting "to his private use some $45,000 of the funds drawn from the Treasury, Burnside "has been in the habit of pocketing the proceeds of the sales of the waste paper, "old carpets, furniture and the material of the Post Office Department. The "revenue arising from this source, as far as can be ascertained, is about $5,000 "per year, which Col. Burnside ought to have turned into the Treasury. His "accounts show that the first year he held the office, which was in 1876, he deposited in the Treasury on this account, $4,194. Each succeeding year shows "a deposit, in some cases exceeding $1,000, and for two years ('79 and '81) no deposit was made at all. It is the presumption that the amounts realized from "this source increased each year, but Col. Burnside's deposits largely decreased.

"Col. Henderson and Mr. Lamson, of the inspectors' office, have been investigating the books kept by Col. Burnside, and they found that there is no record "of any sales of material of this kind anywhere in the accounts of this disbursing "officer. The only way that they were able to trace the amount was by examining the books of the men who had bought this material from Col. Burnside. "They found the receipts and the checks which had been paid to him, and in "the investigation so far, which is not half completed, they have been able to "trace over $12,000 which Burnside has received since 1876 on account of the sale "of waste material. The peculations appear to have begun with Burnside's "entry into his late position, and the sum of them will, it is expected, prove far "more extensive before the investigation is completed.

"In the police court, Prosecuting Attorney Thomas stated to the Court that "there was another charge against Col. Burnside which was essentially different "from the first one. In this case he is charged with converting to his own use, "$8,000, which he realized from the sale of waste paper. As to the matter of "bail he would ask $5,000 bail.

"Judge Snell said that the defendant was already under $20,000 bail, and he "was not disposed to fix the bail at a large figure.

"Judge Snell said the $8,000 charged here was not all taken at once, and to "cover the $8,000 there would have to be severel warrants taken out for the several embezzlements. The Court fixed the bail at $2,500, and the defendant "waived examination, and the case was sent to the grand jury. Mr. Richard J. "Beall afterwards appeared and went on his bond for this amount.

"Later in the day the gentleman who had furnished the $20,000 bond for Col. "Burnside upon the occasion of his first arrest, decided that as the latest developments showed a constant stealing for some years, they should not shield him "any longer. With this view, Detective Raff and Block visited Col. Burnside's "house, and he was again arrested and taken to the Fifth police station. His "bondsmen were W. B. Baldwin, George H. Plant, George T. Keen, E. B. "Fadely and R. J. Beall. In the criminal court to-day they will formally surrender the prisoner."

It is thus shown by the official records that a great many dishonest men have been appointed to office since 1868, and entrusted with the custody of public funds. That immense amounts of the public money have been stolen by these officials regularly each and every year ; That the officers of the Government having charge of the bonds of these appointees have failed to secure from them substantial bonds, as is their duty under the law; That the law requiring prompt, *monthly* settlement of the accounts of these custodians of public funds have not been observed ; That, by reason of the failure to execute these laws, the bonds of these defaulting officers even when good, are released ; That the First Comptroller of the Treasury fails to obey Section 272 of the Revised Statutes of the United States ; That, by his disregard of that law, the country is kept in ignorance as to the names of its defaulters, whether the defaulters are still in office or not, the amounts that have been stolen, and whether any of the thieves have been criminally prosecuted or not ; and last, it is clearly shown that these annual defalcations *are on the increase instead of being diminished.*

It is respectfully submitted to the voters of the United States, that there nothing in the record of James G. Blaine to encourage a hope that if elected to the Presidency he would reform these corrupt practices and abuses of the Republican officials, while the record of Grover Cleveland gives every evidence that his election will cause a summary stop to these enormous annual thefts, and that the laws for the protection of public funds will be rigidly, honestly and faithfully executed.

DEFALCATIONS,

Thefts, forgeries, perjuries, and general demoralization of the officers in the Civil Service of the U. S. Government since 1880, as shown by the sworn testimony of the Examiners of the Department of Justice before the Committee of the House of Representatives on Expenditures in the Department of Justice, during the first session of the 48th Congress, and by the Official Reports of the Government Officers.

Note.—The marginal figures give the page of the Congressional Report the evidence is printed on.

See Mis. Doc. 38, Part 1, 48th Congress, 1st Session.

It is proven by this evidence, which is entirely from Republican sources, that many appointments have been made to offices of trust and responsibility of persons who are "defaulters," "thieves," "drunkards," "blackmailers," "liars," "convicts," "ex-convicts," "fugitives from justice," "assassins," "gamblers," "embezzlers of public funds," "bribe takers," "extortionists," "persons under indictment for violation of Internal Revenue laws," "horse thieves," "forgers," one man who was under indictment for murdering an Internal Revenue officer of the United States, and a great many other incompetent, inefficient and worthless men.

It is proven by the sworn testimony of the officers of the Department of Justice, that many of these officers of the Government have arrested citizens on frivolous charges for the sole purpose of making fees or extorting money from them for their release, thus harassing and causing heavy loss and injury to innocent persons, by means of the appointments held from the United States.

It is proven that the character of these officers of the Government was a degradation of and reproach to the public service.

It is proven that in one District alone, where seventy U. S. officials were employed, a large majority had passed on the Government, false, fraudulent and fictitious accounts and committed perjury in doing so.

It is proven that in some cases the character of the U. S. officials was so bad that the judges of the U. S. Courts refused to permit them to exercise the duties of their offices in connection with the Court, and they were thus indirectly forced out of the employment of the U. S. without the consent of their superior officers, who had failed to remove them.

It is proven that many of these men have been appointed to office and retained, when their crimes were a matter of public and general notoriety.

It is proven that the Government has been robbed of hundreds of thousands of dollars by these men.

It is proven that a great many persons have been appointed to office where their services were not needed.

It is proven that one U. S. Judge was in the habit of borrowing money from Corporations and other parties having suits pending in his Court.

It is proven that another U. S. Judge was a gambler and drunkard and is still on the bench he has disgraced.

It is proven that a great many of these men have been retained and many promoted in office, and that in at least two cases the President has appointed to higher and more lucrative and honorable offices, men, who, according to the official reports of the Examiners of the Department, in addition to their sworn testimony, have perjured themselves and passed false and fraudulent vouchers on the Government.

It is proven that in the Bureau of Printing and Engraving of the Treasury Department where the U. S. Currency is printed, such is the carelessness of those officers of the Government having custody of the funds of the United States, that thousands of dollars are found by workmen, not in employment of the Government, lying in the rubbish on the floor of one of the rooms of the Bureau; and it is also proven that the Disbursing Officer of the Bureau is a defaulter to the Government.

It is proven that $47,000.00 was stolen in broad daylight from the vaults of the Treasury; that the thief was a clerk in the Treasury; that the Government accepted the thief as a witness for the U. S. against a person not connected with the Government who had been induced by the thief to hide the money, and, finally, that the Government compounded the theft by taking $12,500, and permitting the thieves to have the balance and go free

It is proven by the defalcations in the Signal Service Bureau, in the Disbursing Office of the State Department and the frauds in the Bureau of Medicine and Surgery, of the Navy Department, *that the Government can be robbed and plundered for years with perfect impunity and that the frauds are never discovered until there is a* CHANGE *in the Head of the Bureau.*

Henry W. Howgate, a first lieutenant in the U. S. Army, was detailed to act as Disbursing Officer and Purchasing Agent of the Signal Corps of the U. S. Army, and stationed at Washington city, D. C., under the administration of General Albert G. Myers, Chief Signal Officer, and continued holding those offices for several years till the death of General Myers and appointment of General W. B. Hazen, when Howgate resigned. Howgate was a formidable competitor of General Hazen's for the appointment of Chief Signal Officer. General Hazen, soon after his appointment, caused an examination of Howgates's accounts to be made, and it was found that Howgate had been regularly and systematically robbing the Government by means of false vouchers, of large sums of money for a number of years. General Hazen made affidavit before U. S. Commissioner Bundy, August 10th, 1881, that Henry W. Howgate, on the 15th day of February, 1879, while then a First Lieutenant in the U. S. Army and the Disbursing Officer of the Signal Service Corps, feloniously converted to his own use the sum of $12,000.00 of Government funds ; on the 15th of October, 1879, $11,800.00 ; on the 11th of August, 1880, $12,480.12, making a total of $40,380.12. Howgate was arrested on this charge and gave bail.

Additional frauds being soon after discovered, he was again arrested, and being unable to give the bond required he was sent to jail. A suit at law was filed against him August 24th, 1881, upon the affidavit of the U. S. officers, in which it is charged that he had unlawfully drawn from the Treasury of the United States from November 11th, 1878, to September 1st, 1880, $101,257.08.

Howgate remained in jail some months unable to give bail. Being permitted by the U. S. Warden to leave jail to visit his residence, he absconded and cannot be found. It appears from the investigation of this case that no check was placed upon him by the officer having control of him and his accounts, and had General Myers lived and retained his position of Chief Signal Officer, Howgate would still be plundering the Government.

A change of the head of the Department was the sole cause of the discovery of the frauds.

Howgate's fraudulent accounts passing the accounting and comptrolling officers of the Treasury for years without exposure.

FRAUDS, THEFTS, DEFALCATIONS AND GROSS IRREGULARITIES IN THE TREASURY DEPARTMENT.

Extract from Washington "Post," May, 1883.

THE OTTMAN CASE.

DEVIOUS WAYS OF JUSTICE—THE STORY OF A REMARKABLE COMPROMISE.

(*From the New York Times.*)

Some of the peculiar ways in which justice is administered or "dispensed with" in the District of Columbia are shown in the history of the Ottman case. Eight years ago a package of new legal tender notes, amounting in value to $47,097, was stolen from the cash room of the United States Treasury. The thief was a clerk named Halleck, one of whose accomplices was W. H. Ottman, a liquor seller. These persons were arrested, and Halleck was convicted and sentenced to be imprisoned. An application for a new trial having been granted, he was released, and he became a witness for the Government against Ottman, who was indicted and twice tried. Each of the two juries failed to agree, and it is said that they yielded to secret influences which have been so potent in other and more important trials which have taken place in the old District court house. Proceedings in the criminal cases were abandoned, but by civil suit and seizure a large part of the stolen money was recovered. A package of $14,500 in the identical notes which had been stolen was captured in a bank where Ottman had placed it, and the entire sum recovered and placed in the hands of the treasurer of the United States was $31,525. The case of the Government was a clear one. Fair trials before incorruptible juries would have resulted in the punishment of the thief and his accomplices, and the restoration of at least three-fourths of their plunder to its rightful owner.

Last Summer, seven years after the date when Halleck stole the money, a compromise was made, the details of which seem to have been made public for the first time a few days ago. The Hon. Richard Crowley, we are told, appeared as Ottman's attorney, empowered to represent him in the negotiations. Of the sum in the Treasury $12,500 was paid to the Department of Justice, and the remainder, $19,525, was given to Mr. Crowley for his client, so that the Government, having in its possession nearly three-fourths of the stolen money, gave back $19,525 to one of the thieves, and has only $12,500 to show as the fruit of its detectives' and attorneys' labors.

Why did not the Government, having a clear case against the thieves, prosecute them successfully? Was the Attorney-General convinced by two mistrials that an honest jury could not be secured? Ottman was entitled to all of the captured money or no part of it. By agreeing to the compromise he seems to have admitted his guilt. Why did the present Attorney-General allow this compromise to be made, thereby releasing a large part of the money which had been recovered by hard work and at heavy cost? Was it not possible by further proceedings to so firmly establish the Government's title to this money that no one could reasonably claim it? These are some of the questions suggested by the history of this remarkable case.

Extract from Post, May 18, 1883.

U. S. MONEY THROWN ABOUT LOOSE AND UNCARED FOR; A FIND OF TEN THOUSAND DOLLARS.

Last Monday morning about 8 o'clock, as two employés in E. N. Gray & Co.'s foundry, John N. Burgee and George S. Langley, were engaged in removing an old punch from the punch room of the Treasury Department, the latter espied a bundle of green paper under a truck, and on stooping to examine it, saw the face of a $1,000 bill. Calling Burgee to him he pointed it out and said: "Do you want some money? There's a thousand dollars." Burgee picked up the package, which was of ten new bills neatly tied and with slips of paper crossed on the back. An employé who had been in the room frequently was called and asked to have the superintendent take charge of the money. The latter had not yet arrived, but when he did, accompanied by several others, he came to the punch room to learn how the money had been found. Inquiry at the department yesterday failed to reveal who had obtained the money, but Mr. Langley said that the gentlemen who received it from the attendant was a stout man, dressed in blue clothes.

Had this workman' pocketed this $10,000.00, the probability is no one would have ever heard of the Government's loss outside of the Treasury Department.

Omer D. Cole, Disbursing Officer of the *Bureau* of *Printing and Engraving of the Treasury Department,* whose accounts were examined soon after the Burnside defalcation, was discovered to be five thousand dollars deficient in his accounts.

ALABAMA.

M. C. Osborn was U. S. Marshal for the Middle and Southern Districts of Alabama during the year 1882 and part of '83.

P. 128.—Special Examiners Boman, Nightingale and Wiegand of the Department of Justice, jointly reported, August 11, 1883, to the Attorney-General that Osborn "was utterly incompetent to discharge the duties of the office;" and that they found the most flagrant abuses existing—"many of the most untrustworthy and "disreputable persons in the district were employed in the service." "Almost "every Deputy Marshal in the District had presented false, fictitious and fraudu-"lent accounts" against the United States.

The amount of fraudulent accounts presented by Marshal Osborn was $7,490.20.

Osborn remained Marshal till his term of office expired. He was not removed.

P 413–416.—*Examiners Wiegand and Bowman, of Department of Justice, reported* to Attorney-General Brewster, August 3, 1883, that:

Frederick Jost, Chief Deputy Marshal under Osborn, and his predecessor, Turner, had "presented accounts for services rendered which *he knew at the time* "contained false and fictitious items. By his indifference, negligence or con-

"nivance the most flagrant and glaring frauds were being constantly committed "throughout the District over which he had general supervision."

Examiner Bowman says that Jost was afterwards promoted and appointed U. S. Deputy Collector of Internal Revenue for the State of Alabama.

P. 419.—*W. B. Jackson* and *Green B. Franklin,* Deputy U. S. Marshals under Osborn, are reported specially by examiner Bowman as having made false and fraudulent charges in their accounts against the Treasury.

P. 407–408–11.—*Thomas J. Scott* was another Deputy Marshal under Osborn, who is charged by Special Examiners Bowman and Wiegand, July 31, 1883, with making charges in his accounts that "*are absolutely false, fraudulent and fictitious.*" Mr. Bowman under oath says Scott was *not* dismissed from office, on the contrary was promoted to the "*honorable and lucrative officer*" of "*Register of the U. S. Land Office* at Montgomery, Albama."

P. 392–393–4.—*Paul Strobach, U. S. Marshal of Alabama, Southern District,* succeeded Osborn in 1883. Examiner Bowman reports to the Attorney-General, April 4th, 1883, that Strobach appointed W. Easeley as U. S. Guard over prisoners, who tendered false, fraudulent and fictitious charges for services.

Mr. Bowman says in his report and also in his sworn testimony, that *Easley,* at the time of his appointment, *was generally known to be a horse thief and a fugitive from justice.* Bowman says *S. D. Oliver,* another Deputy under Strobach, rendered false and fraudulent accounts against the Government; and was retained in office until his dismissal was peremptorily ordered by U. S. States Judge Pardee.

ILLINOIS.

P. 174.—U. S. Marshal Jacob Wheeler, of the Southern District of Illinois. Examiner Haight, of Department of Justice, reports to the Attorney-General, April 11, 1883. that Wheeler had made false charges against the Government, and was guilty of official irregularities.

Clerk of the U. S. Courts, Bowen, at Springfield, is reported by Examiner Haight to have embezzled public funds and defaulted for $43,000.00.

ARKANSAS.

P. 166–7.—*James Torrans, U. S. Marshal of the Eastern District of Arkansas,* is reported by Examiners Haight and Smith, June 9, 1883, to the Attorney-General as a defaulter to the Government to the amount at least of $30,000.

Torrans, Deputy Joseph T. Brown, is guilty of presenting forged and false accounts against the Treasury.

NORTH CAROLINA.

P. 325.—*Robert M. Douglas, U. S. Marshal* for the *Western District of North Carolina.*

Special Examiners Bowman and Wiegand, of the Department of Justice, investigated this officer's accounts, &c., and reported to the Attorney-General, November 7, 1882, "*That James Dick, the Chief Clerk,* is totally incompetent to perform the duties of the office." Dick is the brother-in-law of Marshal Douglas.

Deputy Marshal W. T. Watson is guilty of gross neglect of duty.

Deputy Marshals A. M. Meadows and George K. Pritchard rendered false accounts.

Deputy Marshals M. E. Haynie and G. R. Pritchard rendered false vouchers to the Government, and *were retained in office by Marshal Douglas after he knew of their frauds.*

Marshal Douglas says under oath that Haynie has since been appointed by Secretary of the Treusury to a responsible position in the Treasury Department, at Washington.

Special Examiner Bowman, of the Department of Justice, says under oath before the Committee of the House of Representatives, February 9th, 1884, that from his personal knowledge of Haynie's official record, "*he is undoubtedly a thief.*"

ARIZONA TERRITORY.

P. 184.—Joseph C. Tiffany, U. S. Indian Agent, is charged with embezzlement of the public funds, grand larceny, and conspiracy against the Treasury, by the officers of the Department of Justice.

R. G. Wheeler, U. S. Indian Agent, at Pinia, Arizona Territory, is charged by the officers of the Department of Justice with gross irregularities in the administration of his office.

P. 271.—U. S. Marshal Dake of Arizona Territory.

Examiner Bowman, of the Department of Justice, investigated this office in May, 1882, and reports to Attorney-General Brewster that Dake had received large amounts of public money which he had failed to account for. He did not keep any books, accounts, or records, and neglected the duties of his office for his private business.

Wilson W. Hoover, Associate Judge U. S. Courts in Arizona Territory, is charged by the officers of the Department of Justice with borrowing money from his court litigants.

ALABAMA.

P. 32.—*Joseph H. Sloss, U. S. Marshal of the Northern District of Alabama,* is charged by the Examiners of the Department of Justice, in their report to the Attorney-General, and in their sworn testimony before Congress, with permitting frauds in his District against the Government during the year 1882, and with gross neglect of duty.

Deputy U. S. Marshal Green in this district is charged with misconduct in office.

P. 45.—*U. S. Commissioner, Paul Ravisees, Henry S. Skaats* and John H. Wallace, were removed by order of the Judge of the U. S. Circuit Court of Alabama, Dec. 5th, 1883, for gross irregularities in their accounts.

On the same day the same Judge, for the same reason, ordered the immediate dismissal of the following named Deputy U. S. Marshals, and prohibited their future employment: William Bates, C. B. Easeley, J. K. Meyers, Edward Marshall, S. D. Oliver, Sr., C. D. Oliver, Jr., J. H. Purdue, Hill Perdue, B. S. Perdue, C. B. Johnson, J. R. Porterfield, J. F. James and T. R. W. Bock.

TEXAS.

P. 254–5.—*A. B. Norton, U. S. Marshal for Northern District of Texas,* is charged by the officers of the Department of Justice, in their official reports to the Department, and in their sworn testimony before Congress, with preventing witnesses from testifying in cases of frauds against the Government and with rendering false accounts, and he employed corrupt "dissipated and reckless men as deputies who were a reproach to the public service."

P. 257–8.—*F. W. Miner, U. S. District Attorney* for the Northern District of Texas, is also charged by the same officers of the Department of Justice, with general incompetency, and permitting unlawful compromises in criminal cases.

Edward Guthridge, U. S. District Attorney for the Eastern District of Texas, is charged by the same officers of the Department of Justice, in their reports to the Department and their testimony before Congress, with accepting bribes in the performance of the duties of his office.

Hal Gasling, U. S. Marshal for Western District of Texas, is charged by the officers of the Department of Justice with neglect of duty and absence without leave.

P. 257-8.—*N. H. Sirrell, Deputy U. S. Marshal,* under Marshal Norton.

Examiners Bowman and Tidball reported to the Department of Justice, May 9, 1882, that Sirrell was guilty of making unlawful arrests of citizens and extorting money from them for their release.

P. 258.—Examiner Bowman swears that Deputy Marshal Sirrell's conduct "got so bad in the Marshal's office that they could not keep him any longer, and *in order to get rid of him he was appointed* U. S. Route Agent for the Post Office Department between Dallas and Waco, Texas, *and is still in office* (Feb. 2, 1884).

U. S. Commissioner Schenck is charged in the same report, by the same officers, with accepting bribes to release prisoners charged with offences against the Government.

SOUTH CAROLINA.

P.455.—*Absalom Blythe, U. S. Marshal of South Carolina,* is charged by *Examiners Ballin of the Department of Justice,* with rendering false and fictitious accounts against the Government, and numerous irregularities.

W. S. Walker, Clerk in Blythe's office rendered false accounts.

The following named Deputy Marshals under Blythe are charged in a joint official report made to Attorney-General Brewster, by Examiners Ballin, Nightingale and Woods of the Department of Justice, with rendering "false, fraudulent "and fictitious accounts for services," viz: A. E. Phillippi, Julious Fraaborg, C. O. Kimball, John A. Stevenson, Alfred Harris, J. J. Pearson, Wm. M. Mittag, W. M. Bridges, A. G. Smith, C. A. Carson, J. E. Gaze, C. W. Cummings, James Turner, M. D. Alexander, W. F. Garey, W. V. Holden, Wm. Kennedy, R. E. Evans, L. R. Fisher, W. C. Fisher, R. J. Spratley, M. L. Case, R. M. Casey, J. B. Dill, P. J. Barnister, W. D. Goode. Amount of false accounts, $6,824.43.

LOUISIANA.

U. S. Commissioners W. G. Lane,, Joseph A. Quinters and Anthony Sambola are all charged by the officers of the Department of Justice with malfeasance in office.

P. 34.—*Francis A. Wolfley, Clerk to the U. S. Courts* of New Orleans, is reported by the Examiner of the Department of Justice to have failed to account for $13,500 during the year 1882,—public funds.

MISSOURI.

P. 427.—C. M. Allen, U. S. Marshal.

The Department of Justice examiners report that Allen made "a great many "false, fraudulent, fictitious and erroneous charges in his accounts" against the Government, and neglect of duty.

Deputy Marshal W. H. Houghawout made fraudulent charges against the Government.

Zoeste, Chief Deputy Marshal of the Eastern District of Missouri, is charged with gross negligence of duty by the officers of the Bureau of Justice.

C. C. Crippin, Deputy Marshal under Allen, "presented false and fraudulent " charges" against the Government.

NEW YORK.

A. S. Lane, Deputy U. S. Marshal of the Northern District of New York, is reported by the Examiners of the Department of Justice as rendering false accounts against the Government.

J. T. Quimbey, another Deputy in this District, is charged with conspiring with Lane to defraud the Government.

GEORGIA.

P. 49.—*O. P. Fitzsimmons was U. S. Marshal for Georgia* up to November, 187, when he was succeeded by General Longstreet.

The Department of Justice Officers report Fitzsimmons was a defaulter to the Government for $23,000, and charge him with rendering false and fictitious accounts against the Government. Examiner Ballin, who reported the case to the Department of Justice, says under oath before the Congressional Committee, January 16, 1884, that he does not believe that the First Comptroller of the Treasury has caused suit to be entered on Fitzsimmons' bond, to recover the amount of defalcation.

Examiner Ballin charges Deputy Marshal Robinson with rendering false accounts while serving under Fitzsimmons.

Examiner Ballin says these Deputies made out accounts for expenses that had never been incurred, and swore to them as being true and correct. He says there were about seventy deputy Marshals and the majority of them perpetrated frauds on the Government by making fictitious and false accounts against the Government.

Warren R. Marshall, Assistant U. S. District Attorney, of S. C., is charged by Examiner Ballin with failure to report frauds on the Government,

C. W. Cummins, Deputy Collector, Storekeeper and Gauger of Internal Revenue. Examiner Ballin reports his accounts full of fraudulent charges.

Examiner Ballin reports to the First Comptroller of the Treasury, May 8, 1882, on the character of some of Marshal Fitzsimmons' deputies, as follows:

Deputy Marshal R. Bolton "had in his employ Wm. Bolton, his son, J. T. Self, " W. G. Self, and they in turn employed their brother-in-law, H. C. Davis, and " they all managed to support themselves by forced bills against the Govern " ment."

Deputy W. G. Newman admits he employed guards that were not necessary.

Deputy J. B. Gaston, guilty of irregularities.

Deputy J. M. Robinson made false and fraudulent charges against the Government.

Deputy A. J. Laird employed guards where none were needed.

Deputy A. R. Wright made false charges.

Deputy Jackson, unworthy of belief, made false statements.

Deputy L. G. Perkle employed assistants where none were needed.

Deputy T. J. Hunt's "accounts are full of fraud."

Deputy A. D. Keith's "*accounts is infamously false.*"

Deputy H. R. Keith's are in the same shape as his son's, A. D. Keith.

"H. R. Keith is a ruffian," his assistant Deputies are *Peter Chapman*, who is under indictment for murdering a United States Revenue officer, *and D. P. Painter*, who has three indictments pending against him for violations of United States revenue laws.

H. R. Keith is himself an ex-convict of the Tennessee Penitentiary, where he was confined for *horse stealing* and *his time of service not having expired*, and as the record shows no pardon, he is believed to *be a fugitive from justice.* His treatment of citizens brought into contact with him officially, was brutal beyond expression.

P. 260.—U. S. Marshal James Longstreet.

Hon. Emory Speer, U. S. District of Georgia and an Ex-Republican M. C., states under oath before the Congressional Committee that General Longstreet (who is the Ex-Confederate General) presented accounts of his Deputy Robinson to the Treasury Department, which were fictitious and fraudulent. Indicted prisoners were allowed to escape from the custody of the Marshal. Mr. Speer says the office is not properly and efficiently administered, and that the Chief Deputy, John G. Longstreet, who is a son of the General, "*is very inefficient.*"

P. 331.—*Special Examiner Bowman* reports to the Department of Justice *that Deputy Marshals Robinson and Crawford* got up a large number of frivolous and technical cases against citizens for the *sole* purpose of making fees for themselves, and thus harassed the people of the State by arrests on the most frivolous charges. There was no *bona fide* intention of enforcing the law.

P. 332.—*Examiner Bowman* reports the accounts of General Longstreet badly mixed. There were in his Deputies' accounts about twelve thousand dollars of fraudulent accounts.

P. 346.—*Deputy Marshals John G. Longstreet and A R. Wright entered into a conspiracy to defraud the Government* by means of a fraudulent voucher for clerk hire amounting to several thousand dollars.

J. F. O'Beirne, Deputy and U. S. Commissioner, is charged with accepting bribes to release prisoners.

Deputy John G. Longstreet is charged with presenting false expense accounts, and gross intemperance.

Deputy R. D. Bolton is charged with permitting prisoners to escape.

Deputy Marshal J. M. Robinson is charged with rendering false accounts the same as he did under the former Marshal.

P. 49.—*Examiner Bowman* swears before the Congressional Committee, that General Longstreet was notified by him that Deputy Marshal Robinson had been guilty of frauds on the Government while serving under Fitzsimmons, and notwithstanding he recommended his removal, Longstreet *retained him, knowing him to be a rascal*, and Robinson *practiced the same frauds* on the Government under Longstreet that he did under Fitzsimmons.

P. 331.—*The Court expenses for last year* (1883), says Examiner Bowman, were $140,000. With proper management of the Marshal's office, $50,000 would be abundant to cover all expenses. The appointment of General Longstreet thus appears to have caused an additional and unnecessary expense to the Government of ninety thousand dollars per annum.

ALABAMA.

P. 136.—*H. A. Wilson,* Receiver of Public Moneys at Montgomery, Alabama.

Special Examiners Bowman, Weigand and Nightingale, of the Department of Justice, reported to their Department, August 14, 1883, that Wilson had been a Deputy U. S. Marshal for the Middle and Southern Districts of Alabama , that the Foreman of the Grand Jury at Montgomery, Alabama, informed them in May, 1883, that the jury had reliable information that Wilson had tendered false accounts against the United States. The Examiners report that Wilson swore to his accounts as "just, true and correct," when they were absolutely false, fraudulent and fictitious.

While these officers of the Department of Justice were examining Wilson's accounts, he committed a violent personal assault on Mr. Wiegand. All three of the Examiners recommended Wilson to be removed from his office of Receiver in the interest of the public service.

The President ignored the charges against Wilson and nominated him to the Senate for a permanent appointment to the office of Receiver of Public Moneys of the State of Alabama.

MONTANA TERRITORY.

P. 620-1.—*E. J. Conger,* Associate Justice of the U. S. Court. Mr. P. C. Shannon states under oath before the House Committee on Expenditures in the Department of Justice, March 1, 1884, that he was appointed by the Attorney-General to investigate charges against Judge Conger, May, 1883. Mr. Shannon reported that Conger's conduct was unseemly, unbecoming and indecorous; he set a vicious example; aided and encouraged gambling; and was grossly intemperate, frequently drunk on the bench. Attorney-General Brewster, March 1, 1884, recommended Conger be dismissed. He was still in office March, 1884.

PENNSYLVANIA.

P. 19.—*John Hall,* U. S. Marshal, at Pittsburg, Pa., is reported by the officers of the Department of Justice as being a defaulter to the Government, January 15th, 1884, for $153,761.

P. 440-441.—*U. S. District Attorney Stone,* of Pittsburg, Pa. Samuel B. Benson, Assistant Chief of the Secret Service Division of the Treasury Department, says under oath, before the House Committee, that his duty was to detect frauds against the Government, and that on a personal examination of the facts he found that District Attorney Stone appointed Daniel Cameron Assistant District Attorney at a salary of $1,250 per annum, and that Cameron lives 400 miles away from Pittsburg and does no duty save draw his salary.

Cameron is the brother-in-law of U. S. Senator Mitchell, of Pa., who is a Republican, and through whose influence, Benson swears, Cameron was appointed. Cameron is the law partner of Senator Mitchell.

TEXAS.

P. 15, 38, 259.—*Stillwater H. Russell,* U. S. Marshal for the Western District of Texas. Special Examiner Bowman, of the Department of Justice, charges him with rendering false expense accounts.

Deputies Walter Johnson, W. N. Norton and Robert Clark are worthless and are common drunkards.

Special Agent John Love, of Department of Justice, reports to his Department, July 17, 1882, that *Deputy Marshals Henry Goldwater, Charles Adams, Jake Woolfe and E. P. B. Carter* have committed perjury and rendered false accounts against the Government.

P. 237.—*Examiner Bowman* states, under oath, before the Congressional Committee, that at the time Russell was appointed U. S. Marshal, he was a defaulter to the State of Texas of Collector of Taxes for Harrison county for $13,610.17, and when he was appointed U. S. Marshal he took the funds belonging to the U. S. and paid up his defalcation to the State of Texas as Collector of Taxes for Harrison county.

William A. Saylor, Collector of Internal Revenue for Second District of Texas, charged with being a defaulter for $661.18, and sued for that amount March 24th, 1883.

EMBEZZLEMENT.

John Wallace, employed by Postmaster Daniels, charged with embezzling letters April 19, 1883.

W. H. Howard, employed in post office at Atlanta, Georgia, charged with embezzling letters, April 19th, 1883.

FRAUDS IN PENSION OFFICES.

Hon. A. Herr Smith, the Republican Member of Congress from Lancaster, Pa., in a speech in the House of Representatives, says: "I find W. T. Collins, Pension Agent, Washington, D. C., was a defaulter to the amount of $53,074.01—suit entered, judgment returned *nulla bona.* Dudley W. Hazard, Pension Agent, Brooklyn, N. Y., defaulter for $6,006.35. W. T. Forbes, Pension Agent, Philadelphia, defaulter for $42,834.74. A. R. Calhoun, Pension Agent, Philadelphia, defaulter for $11,187.76, and his account is not yet adjusted, and the arrears are unpaid."

March 6th, 1884, Deputy Surveyor of Customs, Noah Smith, at Memphis, Tenn., admits he has embezzled $1,600 of Government funds.

A. D. Hackman, Postmaster at Pipersville, Bucks Co., Penn., charged by Government officers with defrauding the Government by re-using canceled postage stamps.

April 4th, 1883, *Thomas Reynolds,* Pension Agent at Madison, Wis., charged with collecting and retaining $5,000 of pensions of widows.

March 29th, 1883, *W. J. Pearson,* Postmaster at Batesville, Ark., charged with retaining registered mail packages

August 9th, 1882, Appraiser of Customs Howard, of New York City, charged by U. S. Special Agent Brackett, of Treasury Department, with wilfully violating the Civil Service laws by appointing and promoting personal favorites to office.

August 17, 1884, A. R. Johnson, Postmaster, Grantsville, W. Va., embezzled from $1,500 to $2,000 of Government funds, and though a married man, eloped with a neighbor's daughter.

FRAUDS AND DEFALCATIONS IN THE POST OFFICE DEPARTMENT.

J. O. P. Burnside, of Illinois, was appointed *Disbursing Officer of the Post Office Department* during the year 1876, upon the recommendation, it is stated, of Hon. John A. Logan, the U. S. Senator, now candidate for Vice President on the Republican ticket. Suspicion was first directed toward him during the month of May, 1884, by reason of his connection with and large losses in a fraudulent oil speculating firm. An examination of his accounts revealed the fact that he had been systematically defrauding the Government, *regularly and continuously*, from the first year of his appointment, 1876, down to the month of May last, 1884, *with perfect impunity*, so far as the officers of the Government were concerned who had the examination of his accounts. He used the contingent fund and old material fund of the Government at will for eight years, and would still be defaulting had not public attention been brought to his oil speculations by the absconding of his broker. The amount of his defalcation as charged by the Government is nearly *eighty-five thousand dollars.*

Burnside's bondsmen claim that the officers of the U. S. having charge of his accounts failed to examine and settle them as the laws require, and therefore they cannot be held liable. If this defense is valid, and it seems to be, then the Administration, in addition to the fact of having appointed a dishonest man to office and entrusted him with the custody of public funds, has by reason of the failure of the Auditing and Comptrolling officers of the Government, to execute the laws, released the bonds of the defaulter and caused the entire loss to fall on the Treasury.

POST OFFICE DEPARTMENT.

Wm. T. Bailey, Postmaster at Camden, N. J., is charged, July 28, 1884, with being a defaulter to the Government, neglecting to deposit Government funds and illegally selling stamps.

Joseph J. C. Dougherty, Chief of the Money Order Division of the Post office at Baltimore, Md., has been suspended from duty (June 17, 1884) and charged by Government officials with being a defaulter to the amount of several thousand dollars.

Herman Buggeman, Clerk in the Stamp Division of the Post Office Department, caught, June 1884, selling for his own benefit postage stamps he had stolen from the Government.

October 29, 1883. *Charles Gehring and John Isaacs*, Letter Carriers in Baltimore City P. O., charged with embezzling mail matter.

F. H. Oakley was detected embezzling postage stamps from Post Office at Cleveland, Ohio, Sept. 7, 1883. He was a clerk in the Post Office.

August 20th, 1883. *Charles F. Hensman, Post Master* at Marksville, Louisiana, is charged by U. S. officers with embezzling Government funds to the amount of $1,500,00.

Aug. 23, 1884. *Jesse Ferguson*, Chief Clerk of the new Post Office building in Philadelphia, charged with irregularity in his accounts.

August 17, 1883. *Thomas B. Kirby*, Clerk in the Post Office Department, charged with sharing in the profits of the publishers of the "Postal Guide."

J. J. Alley, an Examiner in the Pension Office, charged by Government officers, July 11, 1883, with entering into a conspiracy with other parties to defraud pensioners.

Pay Master Wasson, U. S. Army, found guilty of embezzling large amounts of public funds; findings approved June, 1883.

DEFALCATIONS IN STATE DEPARTMENT.

The accounts of Robert C. Morgan, late disbursing clerk of the State Department, have recently (August, 1884) been examined and settled, and there is found to be a defalcation of $16,880.67.

He was disbursing clerk of the Department of State when James G. Blaine was Secretary.

Treasury officials in charge of his accounts are unable to state when the defalcations commenced, but it is supposed they extended some years back.

This defalcation was not discovered until the death of Morgan necessitated his accounts to be settled.

FRAUDS IN THE NAVY DEPARTMENT.

Recent exposures show that a ring of Government officials in the Navy Department has been for years regularly engaged in committing frauds on the Treasury by means of fraudulent vouchers.

This ring was composed of Daniel Carrigan, Chief Clerk of the Bureau of Medicine and Surgery ; Edwin C. Kirkwood, assistant to the Chief Clerk, one Jones a watchman in the Department, and a number of outside parties. The mode of operation shows the frauds to be very similar to those of Howgate's, of the Signal Service of the War Department. Vouchers were made up and signed by the outside parties and contained bills of articles furnished which had not been furnished and never were intended to be furnished to the Department. Carrigan endorsed on these bills:

"I certify the goods mentioned in this bill have been delivered,"

(Signed) CHARLES CARRIGAN,
Chief Clerk.

Surgeon General Wales approved the certificate of Carrigan, and the party who made up and signed the fictitious voucher was then paid, without investigation, by the Disbursing Officer, and the money of the Government thus stolen was then divided between the parties to the frauds. It is thought by U. S. officers investigating these frauds that not less than $50,000 per year, for a number of years past, has been *divided by the conspirators out of the frauds.* The extraordinary part of this barefaced robbery is, that it should have been conducted so long without any detection by the officers of the Government having the supervision of the Bureau and its accounts. Another remarkable feature of this wholesale fraud is, that Carrigan having lost his office, offered his services, it is stated, *in exposing his own frauds* to the Secretary of the Navy through a private detective, and the Secretary agreed to pay this detective if he would furnish the evidence which would expose the frauds.

The evidence was furnished and the frauds became public. The Secretary of the Navy refused then to pay the detective his bill of $5,000, and Carrigan, who expected to get a part of this reward from the detective, *has disappeared and can't be found.*

The investigations of the Naval Court of Inquiry, of which Commodore Jonett is President, reveal the fact that there were frauds in the Bureau of Medicine and Surgery before Medical Director Wales become Surgeon-General There are so far discovered, *one hundred and fifty-six false vouchers*, involving nearly $100,000.00. The evidence shows that many of these frauds were committed during Secretary Chandler's administration.

The speech of Hon. T. A. Hendricks, candidate on the Democratic ticket for Vice-President, in which he refers to these frauds and the correspondence between Mr. Hendricks and Wm. E. Chandler, Secretary of the Navy, on the subject, is appended hereto.

MR. HENDRICKS ACCEPTS.

A ROUSING SPEECH BY THE DEMOCRATIC CANDIDATE FOR VICE-PRESIDENT.

PATRIOTIC APPEAL TO THE PEOPLE TO STAND BY THE PRINCIPLES OF REVENUE AND ADMINISTRATIVE REFORM—ENTHUSIASTIC APPROVAL OF HIS CANDIDACY.

INDIANAPOLIS, July 12.—A largely attended Democratic meeting, to ratify the nominations of Cleveland and Hendricks, was held here to-night. Messrs. Hendricks and McDonald were escorted to the place of speaking by a new labor political organization known as the "Autocrats." The meeting was called to order by Austin H. Brown, and William H. English was made chairman. Mr. Hendricks was received with a burst of genuine enthusiasm which seemed to inspire him. His remarks were as follows :

My Fellow Citizens: You are almost as mad as they were in the convention at Chicago. [Great cheering.] I thought they would not stop up there at all, and I thought there was no limit to the crowd of people, but I find there is a larger crowd almost here. I am very much encouraged and delighted to meet you on this occasion. You came to celebrate and to express your approval of the nominations that were made at Chicago. I am glad that you are cordial in this expression. This is a great year with us Every fourth year the people elect the two great officers of the Government.

This year is our great year, and every man, whatever his party associations may be, is called upon to reconsider all questions upon which he is disposed to act, and having reconsidered to cast his vote in favor of what he believes to be right. The Democracy of Indiana appointed me one of the delegates to the Convention at Chicago. I spent nearly a week in attendance in that city. I return to say a few things to you, and only a few things, in regard to that convention.

It was the largest convention ever held in America. Never has such an assemblage of people been seen before. It was a convention marked in its character for sobriety, deliberation and purposes. It selected two men to carry the banner, and leaving that convention and going out before the people, the question is, "Will you help carry the banner ?" [Great cheers and cries of "We will do it."] I do not expect, I have no right to expect, that I will escape the criticism, and, it may be, the slander of the opposite party. I have not in my life suffered very much from that, but I come before you, Democrats, Conservatives, Independents and all men who wish to restore the Government to the position it occupied before these corrupt times, and to all such men I make my appeal for your support for the high office to which I have been nominated by the Democracy at Chicago. [Great cheers.]

Grover Cleveland, Governor of New York, is the nominee for President. He was promoted to that high office by the largest majority ever deciding an election in that State. He is a man of established honesty of character, and if you will elect him to the Presidency of the United States you will not hear of Star routes in the postal service of the country under his administration. [Cheers.] I will tell you what we need—Democrats and Republicans will agree upon that—we need to have the books in the Government service opened for examination. [Cheers and cries of "That is it."]

Do you think that men in this age never yield to temptation? [Laughter.] It is only two weeks ago that one of the Secretaries at Washington was called before the Senate Committee to testify in regard to the condition of his department; in that department was the Bureau of Medicine and Surgery. In that department an examination was being had by the committee from the Senate, and it was ascertained by the oath of the Secretary that sits at the head of the department that the defalcation found during the last year, as far as it had been estimated, was $63,000, and when asked about it he said that he had received a letter a year ago informing him of some of these outrages, and that a short time since somebody had come to him and told him that there were frauds going on in the service, but that members of Congress had recommended the continuance of the head of the bureau with such earnestness that he thought it must be all right. And now it turns out that the public is $63,000 out and how much more no man, I expect, can now tell.

But what is the remedy? To have a President that will appoint a head of a bureau that will investigate the condition of the books and bring all the guilty parties to trial. [Cheers and cries of "That is it."]

My fellow citizens, I believe that for such a duty as this, for the purpose of maintaining the United States Government for the people of this country, I can commend to your confidence Gov. Cleveland, of New York. [Great cheering.] Not long since there were troubles in the local government of the city of Buffalo, and the conservative people of that city nominated Grover Cleveland as candidate for mayor, not upon a party ticket, but a citizens' ticket, with the duty assigned to him of correcting the evils that prevailed in the government of the city of Buffalo.

He was elected and entered upon the duties of his office and made corrections in the management of the affairs of that city, so clearly and so well defined that the people of New York took him up and made him Governor of the State, and that is the way he comes before you now. [Cries of "Hurrah for Cleveland."]

He who corrects all evils in a badly administered city and who goes from that service into the affairs of the State Government and makes corrections there, will then step, in the natural order of proceeding, into the affairs of another Government and bring about reforms there. [Great cheering.]

Do you not, all of you, Democrats and Republicans, believe that the affairs of the Government have been long enough in the hands of one set of men? [cries of "We do."] and do you not all believe that we have reached a period when there ought to be a change? [Cries of "We do" and "We will have it."] I do not ask that all shall be turned out. That is not the idea. It is not the idea if a man has done his duty well and faithfully; if he has not used the powers of his office to disturb the rights of the people, if he has not furnished money to corrupt elections, if he has simply confined himself to the duties of his office. I am not clamoring for his official blood. But, my fellow citizens, of these 120,000 men that now fill official positions in the country we have no right to suppose from all that has taken place that they are all honest [cheers and laughter], and the only way that we can know is to make a change. A month ago everybody supposed that all the employes in the Bureau of Medicine and Surgery were honest, and now, at the very first examination, it turns out that they are not. But what is the remedy ? Put them out and put honest men in. [Cheers and cries of "That is it."] We can't do that if we leave the same President and head of departments and heads of bureaus in. I have every faith that this ticket will be elected. [Cries of "So have I."] I think I know something about Indiana. [Great cheers and laughter.] We will probably stand here together, won't we ? [Cheers and cries of "You bet."] And this banner of right, of justice, of fair government, that has been put in the hands of Cleveland and Hendricks, shall be carried and placed in glorious triumph on top of the National Capitol in November next. [Great cheering and cries of "We will put it there."] Shall this be the people's banner? [Cries of "It is."]

Now, I have spoken longer than I intended. [Cries of "Go on" and "We are not tired yet."] I know when any of my Republican friends who are intending to stand by their party still longer shall see this numerous crowd to-night they will think the doom of fate has come at last. [Cheers and laughter.]

What does it mean? It means that the people intend to have reform [cheers], and that is the watchword that is written upon every Democratic banner. It was written upon the Democratic banner eight years ago, and Tilden and Hendricks carried that banner. [Cheers.] Reform was defeated by defeating the right of the people to elect their own rulers, [cheers], and what is the consequence ? There has been no reduction of public expenditures, although the war was all the while passing further and further away from us. Still this Republican party makes no reduction in the public expenditures. Shall we have it ? Shall we have cheap government ? Shall we have lower taxes ? They tell us that the Government can be well carried on for $100,000,000 less a year than is now collected from the public. If Cleveland shall come into the Presidential office I believe he will bring the expenditures down to the last dollar that will support the Government economically administered [cheers], and then when he has done that he will have accomplished what Gen. Jackson said was the duty of every government. A government has not the right to collect a dollar from the people except what is necessary to meet the public service. [Cheers and cries of "That is right."] Whatever a government needs it has a right to come to me, to you, or all of us, and make us pay for ; but when it gets all that it needs for economical administration it has not the right to take another sixpence out of our pockets, and that is all we ask. When this ticket shall wave in triumph that idea will be established in this country. [Cheers.]

NAVY DEPARTMENT FRAUDS.

MR. CHANDLER INFORMS MR. HENDRICKS THAT DR. WALES IS THE SCAPEGOAT.

Secretary Chandler has written the following letter to Mr. Thomas A. Hendricks with regard to the frauds in the Navy Department referred to by the latter in his speech at Indianapolis Saturday night:

WASHINGTON, July 13, 1884.

Hon. Thomas A. Hendricks, Indianapolis, Ind.:

SIR—A candidate for Vice-President should speak with decent fairness.

In your speech at Indianapolis last Saturday night you made statements from which you meant that the public should believe that it appeared by my testimony that the frauds in the Bureau of Medicine and Surgery of this Department amounted during the past year to $63,000; that I was informed of some of these outrages a year ago; that after I was informed of the frauds I disbelieved them, because members of Congress had recommended the continuance of the chief of the bureau, and that I took no adequate action concerning them; whereupon you demanded the election of a President who would appoint a chief of the bureau who would investigate the condition of the books and bring all the guilty parties to trial.

To the contrary of all this, I testified that the suspected vouchers commenced as far back as June 21, 1880, although a small voucher was paid as late as January 25, 1884; that while an anonymous letter of about a year ago charged drunkenness upon the chief clerk, Daniel Carrigan, which the chief of the bureau, Dr. Phillip S. Wales, reported to me was not true, I had no information leading to, the frauds until December or January last; that I determined simultaneously with beginning investigation to have a new chief of bureau in place of Dr. Wales, whose term was to expire January 26, and also a new chief clerk; that great opposition to the change was made by members of Congress. I persisted and Dr. Wales went out on that date and Carrigan was put out February 4; and that the investigation into frauds and arrests of guilty parties have since proceeded with due diligence.

It is true that I stated that the recommendations for reappointment of Dr. Wales, whom I found in office, when I went in, April 17, 1882, were of such a character as to fully justify me in believing that the affairs of his bureau had been well administered.

Senator McPherson wrote the following letter:

UNITED STATES SENATE,
WASHINGTON, D. C., December 18, 1883.

To the President—SIR: As the term of office of Surgeon-General Wales, of the Navy Department, is soon to expire, and considering it not a political office, I presume, as I am a perfect prodigal with the article of advice, to ask, for the good of everybody and everything relating to that service, that you reappoint him. I do this because he is an excellent officer, having ability and energy, qualities not general in the naval service, and which, I think, should be nourished when discovered. I feel sure if any officer has deserved such recognition from the appointing power by reason of faithful and efficient service in the past, that officer is Surgeon-General Wales.

I am yours with very great respect,

J. R. MCPHERSON.

A petition for reappointment, written by Carrigan, was sent to the President, headed by J. G. Carlisle, followed by Phil B. Thompson, Jr., Leopold Morse, R. H. M. Davidson, D. Wyatt Aiken, William McAdoo, George D. Wise, John C. Nichols, P. A. Collins, H. B. Lovering, Robert B. Vance, D. W. Connolly, Chas. B. Lore, George A. Post, Albert L. Willis, Carleton Hunt, G. W. Hewitt, Wm. H. F. Fiedler and other representatives in Congress, saying of Dr. Wales, "he has administered the affairs of that bureau during the last four years with signal ability and success." United States Senators McPherson, Butler, Brown, Colquitt, Beck, Williams, C. W. Jones, Ransom and thirty-two other Senators, also using Carrigan as their writer, petitioned for Dr. Wales' reappointment, stating that his administrative capacity has been fully demonstrated by the successful management of the bureau of which he now has charge.

Senator McPherson and Speaker Carlisle and others of the most prominent of these gentlemen who demanded Dr. Wales' reappointment were with you in the convention at Chicago and could have informed you that he had borne a good reputation; that the law required that the chief of the bureau should be a naval surgeon and placed the medical expenditures in his hands; that his was in no sense a political office, but that if he had any politics he was a Democrat; and that any attempt to make political capital out of frauds for which this naval surgeon, who is their intimate friend, is solely responsible, would be disingenuous and unfair. That they did not succeed in keeping Dr. Wales and his chief clerk, Carrigan, in office, is very fortunate.

Very respectfully,

W. E. Chandler.

MR. HENDRICKS TO MR. CHANDLER.

A SHARP REJOINDER TO THE LETTER OF THE SECRETARY OF THE NAVY.

Indianapolis, July 14.—Ex-Gov. Hendricks has written the following in response to the letter of Secretary Chandler published in the Associated Press papers this morning:

Indianapolis, Ind., July 14, 1884.

Hon. W. E. Chandler:

Sir—I find in the newapapers this morning a letter to me from yourself, written yesteaday and circulated through the Associated Press. You complain that I did you injustice in an address to the people of this city made the evening before. In that address I urged that "We need to have the books in the Government offices opened for examination," and as an illustration I cited the case of a fraudulent voucher in one of the bureaus of your department and stated that upon your testimony before a sub-committee of the Senate it appeared that the frauds amounted to $63,000, and is not every word of that true? You were brought before the committee and testified, as I stated. You admitted, under oath, that the sum of money lost amounted to $63,000; but your defense was that the embezzlement did not wholly occur under your administration, but that a part of it was under that of your predecessor. It seems to have covered the period from June 21, 1880, down to January 25, 1885. Does that help your case? You were at the head of the department a year and nine months of that period and your predecessor about one year and ten months. He was in office at the payment of the first false voucher, on June 21, 1880, and up to April 17, 1882, when you came in and you continued thence until the last false voucher was paid, January 25, 1884. The period was almost equally divided between yourself and your predecessor. How much of the $63,000 was paid out under yourself and how much under your predecessor your letter does not show.

But, sir, upon the question that I was discussing, does it make any difference who was Secretary when the false vouchers were paid ?

Judged that in cases like this when frauds are concocted in the vaults or in the books of the Department, the only remedy of the people is a change of the control so that the books and vouchers shall come under the examination of new and disinterested men. Do you think I am answered when you say I was mistaken in supposing that in this case the frauds were all under your administration, when, in fact, a part of them extended back into that of your predecessor?

Why, sir, that makes your case worse.

For the Bureau of Medicine and Surgery the defalcation is large, but the more serious fact is that it could and did extend through two administrations of the department, a period of nearly four years without detection.

You testified that some inquiry was made, and the conclusion was that, while there were some suspicious circumstances, they did not warrant a conclusion of guilt. After a notice, verbal and in writing, you left the men in office. You did not bring the frauds to light nor the guilty parties to punishment. It was Government Detective Wood who discovered the frauds, and the Associated Press report says that Wood declared he would have no further dealings with your department, but would press an investigation before Congress.

But it becomes more serious as far as you are individually concerned when the fact is considered that you had notice and took no sufficient action. The information upon which I spoke was from Washington the 26th of last month by the Associated Press, the same that brings me your letter. The Associated Press obtained its information either in your department or from the investigating committee. If you were not correctly reported that was the time for complaint and correction. You testified that the total of the suspicious vouchers discovered so far was about $63,000, and that the money fraudulently obtained was in some instances divided between a watchman in the department, Carrigan, chief clerk, and Kirkwood in charge of the accounts.

Now, what notice had you ? According to the Associated Press report of your testimony you received a letter last year charging Carrigan, one of the parties, with drunkenness, and after that a man came to you and told you that Kirkwood and Carrigan were engaged in frauds. Did not that put you upon notice and investigation ?

What is your next excuse ? Worse, if possible, than all before. You say a large number of Congressmen, including some gentlemen of great influence and position, recommended that the head of the Bureau, Dr. Wales, should be reappointed. Members of Congress knew nothing of the frauds, they had no opportunity to know. It was within your reach and power. They were probably his personal friends; you were his official superior. But, in fact, did you reappoint him ? I understand not. Perhaps the detective discovered the frauds too soon. But Dr. Wales was not one of the three guilty parties. He neither forged the vouchers nor embezzled the money. His responsibility in the case is just the same as your own. He was the official superior of the three rogues as you were of himself, as well as of them. Neither he nor yourself exposed the frauds or punished the parties.

I have not thought of or considered this as a case of politics. Addressing my neighbors I said that this and like cases admonish them to demand civil service reform in the removal of all from office who will not seek to promote it within the sphere of their official duty and authority. Respectfully,

T. A. HENDRICKS.

Civil Service Reform.

Republican Tendencies.

The evil tendencies of the Republican party were never more forcibly illustrated than by one of its own distinguished members, Senator Hoar, of Massachusetts. In a speech in the Belknap trial he said:

Senator Hoar's Arraignment.

"My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office; but in that brief period, I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State of the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in the highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used, when gained, is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of trusted companions of the President."

Robber Barons.

In an able article on political assessments, in the *North American Review* for September, 1882, the writer points out its evils in the following way:

"The enforcement of this nefarious theory by the 'Robber Barons' of politics was never so universal, so shameless, so barbarous, or so indiscreet as at this moment. The Federal pay-rolls call for more than fifty million dollars a year. On that sum the avowal is a levy of only two per cent., but the actual demand upon employees and small officials is far greater. If the committee expect to extort only a fourth of the one million dollars and more they demand, it but shows the effrontery of their pretense of a willingness to pay, and that they have no compunctions in excusing the landlord class and wringing the whole corruption fund from the most timid and humble of the tenant class. Very likely they expect little more from members of Congress and great officials than the pittance they got in 1878. It is not sharks and whales they have the courage to fish for, but herrings and dace. Boys are bullied for a dollar!

"Could the curtain of secresy be lifted, we should see a vast drag-net of extortion thrown out by the committee from Washington over the whole land from Maine to California, with every humble official and laborer—from those under the sea at Hell Gate to the weather observers on Pike's Peak—entangled in its meshes; and, busy among them, for their prey, a series of tax extortioners ranging down from Hubbell the great Quæstor to little Hubbells by the hundred, each paid a commission* on his collections in true Turkish fashion (to which the large amounts extorted beyond regular plunder rate are added.) These minions, book in hand, are haunting the official corridors and tracking the public laborers. They mouse around the bureaus for names and salaries which all high-toned officials contemptuously withhold. Neither sex, age, nor condition is spared by these spoils system harpies. They waylay the clerks going to their meals. They hunt the Springfield arsenal and the Mississippi breakwater laborers to their humble homes. They obtrude their impertinent faces upon the teachers of Indians and negroes at Hampden School and Carlisle Barracks. They dog navy-yard workmen to their narrow lodgings. The weary scrub-women are persecuted to their garrets ; the poor office boys are bullied at their evening schools ; the money needed for rent is taken from the aged father and only son ; men enfeebled on the battle-fields are harried in the very shadow of the Capitol ; life-boat crews, listening on stormy shores for the cry of the shipwrecked, and even chaplains and nurses at the bedside of the dying are not exempted from this merciless, mercenary, indecent conscription, which reproduces the infamy of oriental tax-farming.

"We know of the head of a family who hesitates between defying Hubbell and taking a meaner tenement ; of a boy at evening school blackmailed of three dollars while wearing a suit given in charity, and of a son pillaged of seventeen dollars when furniture of the mother he supports was in pawn ; and many have consulted us as to the safety of keeping their earnings which they need. In every case there is fear of removal or other retaliation. Pages could be filled with such cases from the reports of citizens. A newspaper before us gives that of a laborer, with a family, earning seven hundred and fifty dollars a year, pursued by a harpy for fifteen dollars ; and also that of a boy of thirteen, earning one dollar a day, with another harpy after him for three dollars and sixty cents. To women and girls no mercy is shown."

The tendency of the Republican party toward corruption and decay was never better exemplified than during the campaign of 1882. Notwithstanding the reckless spoils system culminated a year previous in the assassination of their President, the Republicans continued their demoralizing practices and ridiculed the idea of reform. One of their insults to society and the cause of good government was the assessment of federal office-holders.

Hubbell's Letters of Assessment.

The following was the first letter sent out by the Republican Congressional Committee in 1882 :

[Jay A. Hubbell, Chairman; D. B. Henderson, Secretary ; Executive Committee, Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. Wm. McKinley, Jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. William D. Washburn, Hon. L. C. Houck, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
520 THIRTEENTH STREET, NORTHWEST,
WASHINGTON, D. C., May 15, 1882.

SIR—This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print and circulate suitable documents illustrating the issues which distinguish the Republican party from any other and may meet all proper expenses incident to the campaign, the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its funds a contribution, which it is hoped may not be less than $——. The committee is authorized to state that such voluntary contributions from persons employed in the service of the United States will not be objected to in any official quarter.

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* NOTE.—Not Hubbell, perhaps, for he disinterestedly took a round five thousand dollars —one-tenth of the whole—for his own dear Michigan in 1878, and doubtless expects ten thousand dollars this year. Surely he will go back to Washington ; and what gratitude from the "shysters and camp-followers" of his.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank-check or draft or postal money order, payable to the order of JAY A. HUBBELL, acting treasurer, P.O. lock box 589, Washington, D.C.

By order of the committee. D. B. HENDERSON, Secretary.

The second letter had the true highwayman ring, and was more in harmony with the characteristics of the stalwart leaders. It was as follows:

WASHINGTON, D.C., August 15, 1882.

SIR—Your failure to respond to the circular of May 15, 1882, sent to you by this committee, is noted with surprise. It is hoped that the only reason for such failure is that the matter escaped your attention owing to press of other cares.

Great political battles cannot be won in this way. This committee cannot hope to succeed in the pending struggle if those most directly benefited by success are unwilling or neglect to aid in a substantial manner.

We are on the skirmish line of 1884, with a conflict before us, this fall, of great moment to the Republic, and you must know that a repulse now is full of danger to the next Presidential campaign.

Unless you think that our grand old party ought not to succeed, help it now in its struggle to build up a new South, in which there shall be, as in the North, a free ballot and a fair count, and to maintain such hold in the North as shall insure good government to the country.

It is hoped that by return mail you will send a voluntary contribution equal to two per cent. of your annual compensation, as a substantial proof of your earnest desire for the success of the Republican party this fall, transmitting by draft or postal money order, payable to the order of JAY A. HUBBELL, acting Treasurer, post-office lock box 589, Washington, D.C.

Letters of the Present Campaign.

The tendencies of the party during the present campaign are in the same direction, but artfully concealed to avoid a clash with the new Civil Service law of which a distinguished Democrat, Senator Pendleton, of Ohio, was the author.

The party still has a covetous affection for the money of the department clerks, as may be seen from the following circular:

1421 NEW YORK AVENUE, WASHINGTON, D.C.,
August 1, 1884.

The undersigned have been requested by the Republican National Committee to act as a Finance Committee for the District of Columbia in the collection of funds to be used by said National Committee in the present political campaign. We have agreed to act, and have organized by the selection of A. M. Clapp as Chairman, W. H. Lowdermilk as Secretary, and Green B. Raum as Treasurer. On and after this date we will be prepared to receive and receipt for such sums as persons may wish to contribute to the campaign fund of the Republican party.

The rooms of the Committee, 1421 N. Y. Ave., will be open daily from 8.30 A. M. to 9 P. M.

A. M. CLAPP, Chairman.
W. H. LOWDERMILK, Sec'y.
GREEN B. RAUM, Treas.
Dr. E. A. ADAMS.
R. T. GREENER.

The following letters sent to the clerks in the Departments at Washington, the first one accompanying the above letter, are further evidence of their attempt to circumvent the law:

B. F. JONES, Pennsylvania, *Chairman*. SAMUEL FESSENDEN, Connecticut, *Secretary*.

HEADQUARTERS REPUBLICAN NATIONAL COMMITTEE,
NO. 242 FIFTH AVENUE,
NEW YORK CITY, August 8, 1884.

[DICTATED LETTER.]

DEAR SIR: The pending Presidential campaign is of unusual importance to the country. Every Republican is deeply interested in its result. The National Committee, on behalf of the Republican party, desires to make it justly vigorous and effective, and success certain in November. Funds are required, however, to meet the lawful and proper expenses of the campaign; and, to provide the same, the Committee finds itself dependent upon the liberality of Republicans to make such voluntary contributions as their means will permit, and as they feel inclined to give. You are therefore respectfully invited to send, as soon as you conveniently may, by draft on New York or postal money order to the order of B. F. Jones, Chairman Republican National Committee, No. 242 Fifth avenue, New York City, such sum as you may desire to contribute for the objects before mentioned. A receipt for the same will be sent by return mail.

The Committee cheerfully calls the attention of every person holding any office, place, or employment under the United States or any of the Departments of the Government, to the provisions of the act of Congress entitled : "An act to regulate and improve the civil service of the United States," approved January, 16, 1883, and states that its influence will be exerted in conformity therewith.

Respectfully,
B. F. JONES, Chairman.

HEADQUARTERS REPUBLICAN STATE COMMITTEE,
(St. Cloud Hotel, Parlor C).

Chairman—Thomas V. Cooper.

Secretaries—George Pearson, Chief; Joseph M. Gazzam, E. F. Acheson, Joseph Ad. Thomson, John H. Landis, John S. Blair, W. H. Ritter, Wm. B. Huston, George O. Cornelius, John A. Seiders, Charles F. Evans, Ezra Lukens, J. D. Laciar, A. W. McCoy.

[Dictated.] PHILADELPHIA, 1884.

DEAR SIR : The Republican State Committee of Pennsylvania is compelled to call upon all friends of the cause, whose interests or inclination it is to give, for the funds necessary to sustain its efforts in the pending Presidential campaign—a campaign never exceeded in public concern or importance in the history of the country. It involves both our industrial and political welfare.

I have the honor to solicit from you such contribution to the State Committee's treasury as your devotion to the party may prompt you to make, and to suggest that early contributions not only enable us to do better work, but to promptly extend aid where it is most needed, without waste or confusion.

You are aware that the present laws of the United States and Pennsylvania—which law shall be faithfully observed by this Committee—prohibit the assessment of office-holders for political purposes. The right, however, of all, whether office-holders or not, to send to their Committee amounts commensurate with their interest in the contest, is not questioned, either by the law or public sentiment.

The appeal of your State Committee is therefore directed to all whom it has reason to believe are willing and able to give. Send by postal order or check to

THOS. V. COOPER, Chairman.

This letter was sent to a clerk in one of the departments at Washington, receiving an annual salary of $1,400. He holds a receipt from Chairman Cooper for $40 ; and similar letters have been sent postmasters throughout Pennsylvania.

Democratic Principles and Protests.

On the 26th of June, 1882, Senator Pendleton offered in the Senate a resolution instructing the Committee on Civil Service and Retrenchment to inquire whether any attempt had been made to levy and collect assessments for political partisan purposes from any employees of the Government. In speaking upon this resolution he made some very pointed remarks upon the Hubbell assessment letter, which we have published above. He said :

"Mr. President, when I offered this resolution two or three weeks ago I was anxious for information. I did not know the state of facts as they existed at that time. I had seen mentioned in the newspapers that the Republican Congressional Committee was about to take means to replenish its funds, and vague intimations were given that a circular under the form of a request for voluntary contributions, but in fact a demand for specific sums of money, was being distributed among the employees of the Departments and the employees of the two Houses of Congress. I had also heard that this circular was drafted by authority, and that its language conveyed covert promises, with implied threats, in case the demands were not acceded to.

"I was quite astonished, somewhat startled, when I found that this resolution met with objection. I had supposed that no Senator would object to having the truth discovered as to this circular and its intent; and certainly that no Senator would object to the inquiry whether contributions were being levied under the guise of invitations for voluntary contributions.

"Mr. President, I was not quite as much astonished as those words would imply, and candor requires me to say that I was more astonished at the form than the substance of the objection. I had thought if gentlemen objected to it at all they would not do so in express words, but would consign my resolution to an untimely grave in the friendly grasp of a committee of investigation.

"Be that as it may, I desired information and was sincerely seeking it. A friend of mine who sits upon this floor and who has some opportunities of knowledge gave to me one of the circulars. He gave it rather in confidence, though not entirely so, rather with the understanding that I should use it for my own information than otherwise; but I was enabled to hand back that circular to him within two days, not having exhibited it to anybody else and scarcely having had time to read it myself, for as soon as the resolution appeared in the newspapers I received from many cities and from many States and from many classes of employees of this Government copies of the circular which had been sent to them. I have in my hand quite a number of copies of it. It is very nicely gotten up, written with care, as nicely as a *billet doux* between lovers or an hospitable invitation to dinner.

* * * * * * * * * * *

"As far as I have seen, all of these circulars are in exactly the same language, except that a blank was left in each orignally to be filled by the amount which a certain specified proportion of the salary that the man received would reach. Now, sir, in order that there may be no charge of unfair dealing with this committee and its circular, I have read to the Senate every word of it, and I ask the Senate to consider it a little in detail.

"The committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union."

"Party from beginning to end, the country nowhere alluded to—'the interests of the Republican party in each of the Congressional districts.'

"In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other, and may meet all proper expenses incident to the campaign the committee feels authorized—

"'Feels authorized!' What necessity is there to have authority to invite gentlemen who desire to make a voluntary contribution to a political fund? What is the necessity for any authority for an invitation of that kind?

"'Authorized!' By whom authorized—for what purpose authorized? To apply for contributions to the Republican expense fund! Apply to whom? Apply to 'all those whose interests are involved in this struggle.'

"The committee discriminates very closely between those whose principles lead them to desire the success of the Republican party and those whose interests are involved in the struggle; those whose principles *or* interests induce them to take an interest in this struggle. Who are they, Mr. President? Who are interested beyond what their principles require in the success of the Republican party in the coming campaign? It is the officers; it is the office-holders; it is those who enjoy the powers and emoluments of office; it is those who are in possession of the political power and the moneyed emolument at the disposal of the party. When application is to be made for authority to apply to these offices for a money contribution, who is it that can give the authority to make the application? Manifestly those who have the power of appointment and dismissal; manifestly those who can say to these gentlemen whose interests are involved, 'contribute to the success of this party or the power of appointment and dismissal is hung over your head.' I submit to the gentlemen on this committee that the paraphrase was entirely unnecessary. I submit that the circumlocution was entirely out of place, and that it would have been much more direct and much more pointed and equally delicate to have said, 'we are authorized by those who have the power of appointment and dismissal to say to you whose offices are involved in this struggle that we are authorized to make this application for money to you.'

"The circular starts out with a declaration on its face, which any man who can read at all can read between the lines: We are authorized by those who hold your places in their hands to apply to you office-holders of the Grovernment to make this contribution because your interests are involved in this struggle.

"The circular continues:

"Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution.

"'A privilege and a pleasure!' Indeed, a blessed privilege; an exquisite pleasure! These officers forsooth, would never have had the opportunity of enjoying this privilege and pleasure if this committee had not given them the opportunity and the method; the opportunity in the sinking circumstances of the fortunes of the Republican party, and the method by contributions to the committee! Knowing that these office-holders would be excluded from the enjoyment of this privilege and this pleasure, except for the invitation of this committee, thus kindly tendered to them; knowing that as soon as they heard it these officers would be able and willing, nay, would be eager and anxious, to embrace the opportunity, this committee, fearing that in a moment of enthusiasm and desire to indulge in the enjoyment of this privilege and pleasure the office-holders might contribute in excess of what was proper, or fearing on the other hand lest an ascetic self-denial might keep them below the bounds of legal moderation, inform the office-holders that the committee judge it would be about right that they should enjoy this privilege and pleasure to the extent of $20 worth; and then fearing that that might be a damper upon their ardor, the committee express the hope that the contribution shall not be less than the amount suggested by the committee, to wit, $20.

"The committee is authorized to state that such voluntary contributions—

"'Voluntary contribution!' Voluntary as the contribution the traveler makes to the pocket of the highwayman when commanded to stop and hold up his hands; voluntary as the contribution which the man of the world makes to the harvest of the Great Reaper when he puts in his scythe.

"'Voluntary contributions from persons employed in the service of the United States will not be objected to in any official quarter.'

"Mr. President, is a voluntary contribution objected to anywhere? And does it need any close discrimination as to that passage to see that it means that, while contributions will not be objected to in any official quarter, a refusal to make the contribution will meet with the condemnation of all official quarters?

"'The labors of the committee will affect the result of the Presidential election in 1884, as well as the Congressional struggle, and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.'

"'With dread!' Who look with dread upon it? What sensible man in this country looks with dread upon it? The people of the country do not look with dread, the material interests of the country do not look with dread, the patriotism of the country does not look with dread, for at the last two Presidential elections the people of this country have been as nearly as possible divided in numbers upon the question as to which party better deserves success. In the Presidential election before the last it is an undisputed fact that a numerical majority of the people of the United States did actually vote to restore the Democratic party to power.

"'We appeal to you for sympathy and assistance, and we hope you will make prompt and favorable response to this letter.' How? By sympathy? By expressions of confidence? By telling us the political necessities of your neighborhood? By going forth as an apostle to demonstrate to the people the excellence of the principles of the Republican party? No, sir; none of such sympathy we want. It is your assistance, which we hope you will promptly send to us by sending 'a bank check, or draft, or postal money order,' payable to the treasurer of this committee.

"Now, Mr. President, I will not insult the Senate by undertaking to prove to it that this is no invitation for a voluntary contribution. I will not waste its time by showing that it is a demand for a specific sum of money, levied according to a rule, accompanied by a promise and a threat. 'Your purse or your official life,' is the alternative offered; or to use the language of President Garfield in describing a circular almost identical in terms with this, 'It is a circular sent to the employees of the Government upon the distinct understanding that if they fail to make return according to the demand, in check or postal money-order, others will be found to take their places who will receive their salaries and pay up the assessment.'

"Mr. President, to whom has the circular been sent? I venture to say here upon this floor, and I speak it upon information which challenges my belief, that this circular has been sent out to every person whose name can be found on any of the rolls of employees of the Government, however remote they may be from the source of power itself. The circular has been sent to the Boston custom-house—seven hundred copies of it—and a demand made for an aggregate of $15,000. It has been sent to the armory at Springfield, and an assessment of $18 been made upon each armorer in that institution. It has been sent to the great offices in New York, the post-office and the custom-house, and the collector's office, and the various institutions connected with the Government there. They had won exceptional credit by reason of their freedom from the debasing arts of political assessments, and yet are to be again plunged into the mire from which they so laboriously have emerged. It has been sent out to employees at Chicago, and assessments made there at $9.30. It has been sent to every postmaster in the country; as least I have returns from almost every State east of Nevada. It has been sent to the men engaged upon the works on the Ohio river at Marietta, and $18 has been assessed and demanded of men who day by day for their daily wages cut stone in making the dam. It has been sent to every employee in the Departments in Washington, every clerk, and they have been assessed in various amounts from $18 to $50. This circular has been sent to men who are engaged in daily labor on the Capitol grounds, digging up and beautifying these grounds, and $6 has been assessed upon each of them. It has been sent to the boys in the Printing Office, to whom you pay only a dollar a day and furlough them without pay, and $7 has been demanded from each of them. It has been sent to enlisted men in the army, and an assessment of $18 made upon men who are paid from the army appropriation bill. Wherever a name can be found upon the pay-roll of the government for any amount, great or small, this circular has been sent, and it is being sent now to those to whom time has not allowed it to be sent before.

"I said it had been sent to every clerk in all these departments. Why, sir, it has been sent to those unfortunate ladies whom the exigencies of life now compel to support a family off the pittance earned painfully by them, which would scarcely have sufficed to dispense their yearly charity in other days. It has been sent to the women who scrub out the departments in this city, and whose poverty is so great that when they leave for their daily work they are obliged to lock up in their close and fetid room the infant children who cannot be allowed to wander in danger in the streets. It has been sent to the employees of the Senate, and men have been required to pay $30 in order that they may hold their places.

Nay, more, Mr. President, it has been sent, at least in the other House, and possibly in this, to the little pages, bright, intelligent, active little fellows, who do the bidding of members there and here. I imagine I can see this grave committee, with this circular in their hands, going to one of these little pages and saying to him by his appreciation of the emergencies of the country, by his appreciation of the excellence of Republican practices, by his dread of the restoration of the Democratic Party to power, he shall make his contribution of $9 in order to avert such a terrible calamity.

Mr. President, if this were not a sad scene of political degeneracy and partisan tyranny it would be in many of its aspects a broad farce.

"I have no fitting words in which to express my apprehension of the degradation and danger of this whole system, of which this is one of the most dangerous outgrowths. It demoralizes and breaks down every man connected with it, those who give and those who take alike. Among the names on this circular are some of our own cherished associates and members, men of the other House also, who stand high in the estimation of their party and their country. They are important factors in weilding the political destinies not only of their party but of their country, honorable, upright, excellent gentlemen, to whom we would willingly commit, and do commit our honor, and if necessary would commit our lives, men who could not be forced even by torture to go themselves and with this circular in their hand to make applications to these persons to whom it is sent; men who could not be induced to do it; who would feel it to be a personal dishonor to do it. Yet together they combine and put in operation this machine which has no heart to be touched, no body to be punished, no soul to be damned, to visit the houses of the widow and the fatherless, and extract from them for political partisan purposes a large proportion of their hard earnings.

"It degrades the men to whom it is sent. What sense of self-respect can there be in a man who feels himself compelled to submit to this extortion which his honest judgment abhors and which his penury rejects, and yet is obliged with a hypocritical smile to pretend that it is a voluntary contribution? What faithful, honest personal service in office can a man render when he feels that upon his very best service is put this badge of servitude? How can he admire with his whole heart as he ought and devote himself absolutely to the duties of an office when he is made to buy with money, that office which he knows, and everybody who will think a moment knows, is a public trust involving duties to the public? What discipline can there be in a system when all above him and all below him are bound together by the conciousness of this common degradation? The galley slaves are chained together, their proximity making them conscious of the common infamy, and the common degradation and the common punishment make them hate and despise and dread and suspect and injure each other.

"Mr. President, this system is a great wrong to the people. A fair day's work and a fair day's pay is common honesty imported into our Government. If these employees can have extracted and abstracted from their salary 2 or 4 or 10 per cent., and yet sufficient remuneration left to them, then I say the deduction should be made directly from their salary and be left in the Treasury.

"I will not speak of what this system may be, if against their interest, against their will, against their moneyed capacity, these men are compelled to submit these contributions if they are extracted out of the suffering of themselves and their families. When I see that this system tends to such degradation, such demoralization, to the breaking down of our civil administration, the destruction of the instinct and patriotism in our country, I declare upon my conscience I believe it would be better for the country, better for the service, better for the people, if a felonious hand were put into the Treasury of the United States and this money were abstracted for this purpose and a clear thing be made of it by charging it up to "soap."

* * * * * * *

"Have we not been told, are we not told constantly, that this Republican party is the party of God and morality in the country? Has not the gentleman declared with a seriousness of tone and sincerity of manner that leaves no room to doubt his conviction of the truth, that it is the best and purest party that has ever existed in this government? Why, sir, I have read the description of a party like this: 'But all their works they do for to be seen of men; they make broad their phylacteries, and enlarge the borders of their garments; and love the uppermost rooms at feasts and the chief seats in the synagogues; and greetings in the markets, and to be called of men, '"Rabbi, rabbi."'

"And if, after making all the professions of purity and excellence and faith, when you happen through the flimsy device to be caught in evil practices, you seek to screen yourselves from the consequences behind the examples of others, there will be denounced against you that terrible anathema. 'Woe unto you * * * hypocrites, for ye devour widow's houses, and for a pretence make long prayer; therefore ye shall receive the greater damnation.'

"Mr. President, men of our race and language have always been tenacious of the purity of the civil service of their government. Even as our fathers emerged from the ages which we are in the habit of calling dark, they began to require that the purity of civil service should be the characteristic of their kings as well as of their commons. Six hundred and fifty and more years ago King John in the Magna Charta was compelled to declare:

"We will not make any justiciars, constables, sheriffs or bailiffs, but of such as are knowing in the law of the realm, and are disposed duly to observe it."

"Nearly a hundred years afterward, in the time of Richard II., in 1288, the Commons passed a statute—

"That the chancellor, treasurer, etc., the justices of the one bench, and of the other, etc., and all other that shall be called to ordain, name or make justices of the peace, sheriffs, escheators, customs, comptrollers or any other officer or minister of the king, shall be firmly sworn that they shall not ordain, name or make justice of the peace, sheriff, escheator, customer, comptroller, nor other officer or minister of the king for any gift or brocage, favor or affection; nor that none which pursueth, by him or other, privily or openly, to be in any manner office, shall be put in the same office or in any other; but that they shall make all such offieers and ministers of the best and most lawful men, and sufficient to their estimation and knowledge."

"Lord Coke says that that was—

"A law worthy to be written in LETTERS OF GOLD, but more worthy to be put in due execution."

"A few years passed on and Edward IV., pressed by his necessities, commenced to levy 'benevolence' upon the commons of England, which the people very turbulently, as he thought, called 'malevolence,' and thereupon, in the first year of Richard III., the bloody monster as he was called, Lord Coke mentions how 'the exaction under the good name of *benevolence*,' begun in 12 Edward 4, came to be so that 'many of the people did much grudge at it and called it a *malevolence*.' He refers to 1 Richard III., wherein the commons recite:

"That 'the commons of this realm, by new and unlawful inventions and inordinate *covetise* against the law of this realm, have been put to great thraldom and *importable* charges and exactions, and in especial by a new imposition named a *benevolence*, whereby divers years, the subjects and commons of this realm, against their wills and freedom, have paid great sums of money'—

"After which, and other recitals, it is ordained—

"That his subjects and the commonality of this his realm, from henceforth in no wise be charged by none such charge (exaction) or imposition called benevolence, nor by such like charge; and that such exactions called benevolences afore this time taken *betake* for no example to make such or any like charge of any his said subjects of this realm hereafter, but it be *damned* and *annulled* forever."

"And Lord Coke, speaking of this very statute, 1 Richard III, says that—

"Of the acts of Richard the Third one of the wisest was that of 1 Ric. III., ch. 2, 'an act to free the subjects from *benevolences!*' But he did not adhere to it. There is mention of letters sent by him exacting these benevolences and specifying the sum which each person was *required to give.* It is stated that 'this' was 'a fatal blow at what remained of his popularity.'

"History repeats itself. Benevolence exacted for his private purposes by the king which the people called malevolences, and which were rejected and repudiated by the Commons. He seemed to favor the rejection, but he sent out circulars even in those days to his good subjects, and specified in those circulars the amount of money which he required them to pay. Behold the example which this committee has followed!

"Mr. President, to these principles embodied in Magna Charta, embodied in these statutes, the people of our race have always been true. Sometimes they have wandered, sometimes they have straggled from the paths, but they have speedily returned to them, and in their return they have always been led in England by the Commons, and in this country by the Democratic party. To-day the time has come when they shall be led again to appreciate the beneficence of a pure civil administration. To-day the Democratic party is putting itself at the head of that return, civil service reform is writ on its escutcheon and emblazoned on its banner. By its strength and in order to perfect it, the Democratic party will sooner or later come into power. I say to Senators on the other side of the Chamber that the sooner it comes into power the better it will be for them and for the country. It may for a moment wound their susceptibilities, but it will advantage their prosperity and their liberties. When that time does come, when we shall take possession of this Government, when we shall put in the high places of power our worthiest and best, the President of the United States, the chief of the state, under the people the source and fountain of honor and powers in this country, will be able to say to all as Van Artevelde said in response to Vauclaire who was thanking him for his promotion:

Nay! say no more,
You owe me nothing; what have I to give
Is held in trust, and parted with for services;
Value received is writ on my commissions;
Nor would I thank the man that should thank me
For aught as given him gratis. * * *
* * * * * *

Supremacy of merit, the sole means
And broad highway to power. * * *
* * * meritoriously administer'd
While all its instruments from first to last,
The tools of state, for service high or low,
* * * chosen for their aptness to those ends
Which virtue meditates.

The Overthrow of Monopolies.

There is no question before the people of the United States involving such vast interests as the question of the forfeiture of the unearned lands granted to railroads, and, it may be added, that there is no question of vast public concern so little understood. One is apt to be dazed by the magnitude of the subject, and not fully to understand it. We speak in this chapter of bodies of land larger than New England ; of tracts that have been granted to corporations equal in size to the kingdoms that have ruled the world ; of hundreds of millions of acres that have been given away, valued at hundreds of millions of dollars. We give at length the history of these grants, present tables showing the amount of land granted, and give references to the law in each case. The record of the Republican party on this question has been made ; it is here given ; by the record let it be judged.

History of Our Public Lands.

The " era of the birth of monopolies " in this country covers but a short period of time, but the injury inflicted is incalculable. That era dates from July 1, 1862, and extends to March 3, 1871. The former date was the date of the Union Pacific act, and the latter the Texas Pacific act. From July 1, 1862, to March 3, 1871, less than nine years, public lands were voted away to corporations to the amount of 144,538,134 acres. By law, the roads earned 49,410,380 acres, leaving 95,127,754 acres that can and should be reclaimed for the people. There is besides this nearly ten million acres, comprised in grants made to States that are forfeitable and should be reclaimed, making the grand total of lands to be reclaimed over one hundred million acres of land.

The Public Domain—How Acquired.

Perhaps the first thing that should be done to enable the reader to clearly understand the condition of the public domain is to show its original extent, how portions of it have been disposed of, how much of it remains, and the claims that are made upon it.

The United States held and claimed no land in the thirteen original States, so that the land (341,782 square miles, or 218,740,480 acres) included within the boundaries of these States is not to be considered.

The first public lands belonging to the Government were cessions by some of these States, viz. : Massachusetts, Connecticut, New York, Virginia, North and South Carolina, and Georgia, of lands held by them under grants from Great Britain. The amounts ceded were by

	Acres.
New York and Massachusetts	202,187
Virginia (exclusive of Kentucky)	165,659,680
South Carolina	3,136,000
Georgia	56,689,930
North Carolina	29,184,000
Connecticut	4,300,000
Total	259,171,797

Of the amount ceded by Virginia, Massachusetts claimed 34,560,000 acres, and Connecticut claimed 23,000,000 acres ; but whatever rights they had, if any, were given to the general Government.

The session from North Carolina, while it gave jurisdictional rights did not really give any land, as the territory ceded (now the State of Tennessee) was completely covered with reservations. This makes the actual number of acres acquired by these sessions, which the Government could sell or dispose of, to be 229,987,187 acres, or 359,356 square miles.

Over the territory now included in the State of Kentucky, Government was given jurisdictional control, but it acquired no lands, as these like the lands in Tennessee, had been disposed of by the State in grants.

The next land acquired was by the treaty of 1803 with France, when the territory of Louisiana was purchased, at a total cost of $27,267,622. This territory contained 756,961,280 acres, being larger in extent than the original thirteen States and all their territorial possessions, which only amounted to 531,200,000 acres.

This purchase included parts of the present States of Alabama and Mississippi, all of Louisiana, Arkansas, Missouri, Iowa and Nebraska, nearly all of Minnesota and Kansas, all of Dakota, Montana, Idaho, and the Indian Territory, with parts of Wyoming and Colorado.

The next acquisition was in 1819 from Spain, the territory of Florida, containing 37,931,520 acres, the cost being $6,489,768.

From Mexico, by the treaty of Gaudalupe Hidalgo, Feb. 2, 1848, 334,443,520 acres were acquired, costing $15,000,000. This territory comprises California, Nevada, part of Colorado, Utah, and the greater part of New Mexico and Arizona.

In 1850 the Government purchased from Texas certain lands claimed by it, amounting to 65,130,880 acres, at a cost of $16,000,000.

In 1853 the Gadsden purchase was made from Mexico, comprising 29,142,400 acres, at a cost of $10,000,000. This purchase forms a part of the territory of Arizona and New Mexico.

In 1867 the territory of Alaska was purchased for $7,200,000, and comprises 369,529,600 acres.

So that the public domain of the United States consists of

	Acres.
Cession from the original States	229,987,187
Louisiana purchase	756,961,280
Florida	37,931,520
Mexican Treaty	334,443,520
Purchase from Texas,	61,892,480
Gadsden purchase	29,142,400
Alaska	369,529,600
Total	1,819,887,987

In this the State of Texas is not included, as by the treaty of annexation it retained the ownership of all public lands within its borders.

How the Domain has been Disposed of.

Of these lands up to June 30, 1880, there had been surveyed 752,557,195 acres, and of this there remained undisposed of, 24,802,711 acres, making with the unsurveyed land the number of acres now owned by the Government, 1,273,946,438.

The public lands (542,000,000 acres) which have been disposed of, have been used in the following ways:

	Acres.
Sold	200,000,000
Given to States as swamp land	70,000,000
Given to States for internal improvement	8,000,000
Given to States salt springs	1,000,000
Given to States Florida, Oregon and New Mexico	3,000,000
Given to States for schools and colleges	79,000,000
Land bounties for military and naval service	61,000,000
Homesteads	56,000,000
Timber culture	10,000,000
Canals and wagon roads	6,000,000
Desert Land act	1,000,000
Given to States for railroads	36,000,000
Patented to railroad corporations	11,000,000
Total	542,000,000

This leaves only 6,000,000 acres of the public domain which has been disposed of unaccounted for, and this has been disposed of at various times in small bodies by Congress for different purposes.

The public domain not disposed of consists, as before stated, of 1,273,946,438 acres. For public use we must deduct from this the Indian and Military Reservations—157,000,000 acres, and private land claims, 80,000,000. a total of 237,000,000; which would leave the available lands at 1,036,946,438 acres. In considering its disposition, from this we must deduct Alaska as totally unavailable for settlement and cultivation, which leaves 676,000,000 acres; 26,000,000 of this is in the Southern States, leaving 650,000,000 in the Territories and States of the West through which the grant railroads are being built. Of this amount, at least 400,000,000 acres are mountain lands, unsuitable for cultivation.

This leaves now in possession of the United States, about 250.000,000 acres of available land, of which the various States to which grants were made claim about 5,000,000 acres; and the estimate of the Land Office is that it will require about one hundred and twenty-five million acres to satisfy the claims of the corporations; and these claims are based upon grants demanding work to be done which has not been done, so the lands have not been earned, and are justly forfeited to the people of the United States.

Reports of various Secretaries of the Interior, letters and orders written by them, and opinions promulgated by the Attorney-General, which will be given, show that unless Congress takes definite action upon this subject, titles will be made to a large portion of this one hundred and twenty-five million acres, within a short time.

The Laws for Internal Improvements.

Having shown fully the amount of land owned by the United States, and how it was acquired, how much of it has been used, we will now examine the laws made to aid in building railroads and other internal improvements.

When the United States Government was young, it was rich in land and poor in other resources, and the policy of aiding public works by land grants was inaugurated at an early date, but until 1862 all grants were made to the States wherein the work was contemplated, and the State securing the ground was held to account for it.

The State of Ohio was the recipient of the first land grant for public improvements. April 30th, 1802, one-twentieth ; (5 per cent.) of the net proceeds of land sold in the State, was given it for "laying out and making roads." March 3d, 1803, three per cent. additional was given.

In 1824 the first land grant was made for canal purposes, and the last was made in 1866. All these grants were to States, and the amounts are as follows : Indiana, 1,457,336 acres,; Michigan, 1,250,000 ; Ohio, 1,100,361 ; Wisconsin, 325,453 ; Illinois, 290,915, a total of 4,424,065 acres granted for canals.

For military roads there was granted, from 1863 to 1872, to Oregon, 777,097 acres ; Michigan, 321,013 ; Wisconsin, 302,930, a total of 1,401.040 acres.

The first grant in aid of a railroad was made September 20, 1850, (Stat. at Large, vol. 9, page 466) to the State of Illinois. The even numbered sections, for six miles on each side of the road, were given, and indemnity for occupied lands was allowed for fifteen miles on each side. The sum total of this grant was 2,595,053 acres, and through its means 1,320 miles of railroad were built, being one mile of road for each 1,965 acres of land. The State, through its charter, required the railroad company to which the land was given to pay five to seven per cent. of its gross income to the State. Under this law the Illinois Central, up to 1880, had paid the State over $8,000,000, and the future annual income is estimated at $350,000, the stock of the company now selling at a premium of $45 even after such payments had been made to the State.

The same bill (Stat. at Large, vol. 9, page 466), contained a similar grant to the States of Alabama and Mississippi, to aid in the construction of the Mobile and Ohio road, which was to connect with the Illinois road at Cairo. There has been patented to these States, for this road, Mississippi, 737,130 acres, Alabama, 419,428 acres, a total of 1,156,558 acres.

The next land grant was made June 10, 1852 (Stat. at Large, vol. 10, page 8), and was to the State of Missouri. The amounts granted by this act were the same as had been given to Illinois, and by this grant, which amounted to 1,764,710 acres, the southwest branch of the Pacific (now the San Francisco), 292 miles long, and the Hannibal & St. Joseph, 292 miles long, a total of 584 miles long, were built. Missouri thus secured one mile of railroad for every three thousand acres of land granted. (Round numbers).

February 9, 1853 (Stat. at Large, vol. 10, page 155), the act was passed granting to Arkansas and Missouri, lands to aid in the construction of a road from Cairo, at the mouth of the Ohio river, to Fulton, on Red River, and from opposite Memphis, Tennessee, via Little Rock to Fort Smith, Arkansas. This grant, like the others, was only six sections to the mile, but was afterwards increased to ten. Under this law the St. Louis, Iron Mountain & Southern, from St. Louis and Cairo to Fulton, 339 miles long, has been built and has received 1,486,383 acres of land, and the Memphis & Little Rock and Little Rock & Fort Smith, 168 and 135 miles long, have received 1,058,560 acres. Arkansas, it will be seen, obtained one mile of railroad for each 3,900 acres of land granted.

The next land grant act was approved May 17, 1856 (Stat. at Large, vol. 11, page 15), giving to the States of Florida and Alabama six sections per mile to aid in constructing a road from Montgomery, Alabama, to Pensacola, Florida, from Jacksonville to Pensacola, and from Amelia Island to Tampa Bay, with a branch to Cedar Keys.

The State of Florida was entitled under this bill to 2,576,640 acres of land, if the roads were built, and has received 1,595,146 acres, having forfeited the remainder, 981,494 acres. Alabama never did anything to entitle itself to any of this grant. Florida has 247 miles of land grant railways, being one for each seven thousand acres of land granted.

The next grant was June 3, 1856 (Stat. at Large, vol. 11, page 17). and was to the State of Alabama. This was six sections per mile. But those of the roads to which aid was granted were definitely located, and they were entitled to 1,142,784 acres, of which they received 771,930 acres, leaving 370,854 acres unearned and forfeited. Alabama has 228 miles of land grant railway, and that shows one mile for each 3,385 acres of land granted.

The same day, that is, June 3, 1856 (Stat. at Large, vol. 11, page 18), a grant was made to Louisiana, to aid in building a road from opposite Vicksburg, Mississippi, to Shreveport, a distance of 189 miles; from New Orleans by Opelousas to the State line of Texas; and from New Orleans to the State line in the direction of Jackson, Mississippi. 725,760 acres of land were set apart for the Vicksburg and Shreveport road, and 353,212 acres have been certified. leaving 372,548 unearned and forfeited. No lands were ever given for the road from New Orleans towards Jackson, Miss., though it was built within the time prescribed by the granting act. Louisiana has only 152 miles of land grant railway, being one mile for each 7,000 acres.

On the same day, was granted land to the State of Wisconsin (Stat. at Large, vol. 11, page 20) to aid in constructing roads from "Madison or Columbus via Portage City to St. Croix river, and thence to the west end of Lake Superior; and to Bayfield; and also from Fon du Lac, on Lake Winnebago, northerly to the State line." This act was amended several times, May 5, 1864 (Stat. at Large, vol. 13, page 66), June 21, 1866 (Stat. at Large, vol. 14, page 360), and March 3, 1875 (Stat. at Large, vol. 17, page 634). By these amendments the number of sections to the mile was increased to ten. The number of miles of road required to be built was 811; the number of miles actually built was 633. The number of acres estimated as granted was 4,514,052, and the number patented to the grantee was 2,262,608, while the amount actually earned before the time for the completion of the roads expired was 2,867,200 acres, leaving 605,000 acres due. If to this we add as due amounts earned by construction of roads since the expiration of the time for completion as per charter, an additional 1,184,000 acres is due Wisconsin. Wisconsin has received 3,413,650 acres of land, for which it has built 633 miles of road, that is, in round numbers, 5,400 acres for each mile of land grant railway.

Michigan also secured a land grant, on the 3d of June, to aid in constructing roads from "Little Bay De Noquette, to Marquette, and thence to Ontonagon, and from the last named places to the Wisconsin State line; and also from Amboy, by Hillsdale and Lansing, and from Grand Rapids to some point on or near Traverse Bay, also from Grand Haven and Pere Marquette to Flint, and thence to Port Huron" (Stat. at Large, vol. 11, page 21). This act was amended June 18, 1864 (Stat. at Large, vol. 13, pages 137 and 409); July 3, 1866 (Stat. at Large, vol. 14, page 78); March 2, 1867 (Stat. at Large, vol. 14, page 425); May 20, 1868 (Stat. at Large, vol. 15, page 252); March 3, 1871 (Stat. at Large, vol. 16, page 586); April 20, 1871 (Stat. at Large, vol. 17, page 643); March 3, 1879 (Stat. at Large, vol. 20, page 490).

By these amendments the time for completing the roads was extended, and the grant on one, from Marquette to Ontonagon, increased to ten sections per mile. The several lines aided were 563 miles long; the land granted, deducting conflicting claims, was 2,580,321 acres. Two hundred and fifty miles of these roads were built during the time required by law, and 213 miles have been completed since, and 1,415,447 acres of land have been certified to the grantees. Giving lands in proportion for the number of miles built during and after the time allowed for completion, the State would be entitled to 840,000 acres additional. The land grant to Michigan was 2,580,020 ; the miles of land grant railway are 1,005, being one mile for every 2,567 acres granted.

August 11, 1856 (Stat. at Large, vol. 11, page 30), Mississippi was granted six sections per mile for three roads, no part of any of which were constructed within the ten years required by the granting act, and two of the grants were treated as forfeited after August 11, 1866. The General Land office having no hesitation in this case to require the full pound of flesh nominated in the bond. Though of late years it has been very careful of the rights of corporations, it had no hesitation in the case of a State. For the other road, completed after the time had expired, the State secured 198,027 acres, making, with the 737,130 acres for the Mobile and Ohio road, a total of 935,158 acres, for which the State has 406 miles of road to show, being one mile of road for each 2,300 acres of land.

Minnesota, on March 3, 1857 (Stat. at Large, vol. 11, page 195), received the next land grant, which act was amended at various times, as follows : July 12, '62, 12-624 ; March 3, '65, 13-526 ; July 13, '66, 14-97 ; March 3, '71, 16-588 ; March 3, '73, 17-631 ; June 22, '74, 18-203 ; March 3, '75, 18-511.

The original granting act in this case gave six sections, as in previous grants, but in 1865, after the commencement of the system by which private corporations were given ten and twenty sections per mile, the grants to Minnesota were increased to ten.

If there had been no conflict between any of the grants the State would have been entitled to 6,400,000 acres of land for these roads, and has secured for them 6,130,000 acres.

On May 5, '64 (Stat. at Large, vol. 13, page 64), and on July 4, '66 (vol. 14–87), Minnesota was given additional grants for other roads, for which it has secured 1,230,000 acres of land, a total to that State of 7,360,000 acres. For this land grant it has to show one thousand eight hundred miles of completed railway; whilst for the lands given to private corparations it has only five hundred miles. The private corporations received twenty sections per mile, and the State got one mile of road for each 4,100 acres.

August 8, 1846 (Stat. at Large, vol. 9, page 77), a grant was made to the Territory of Iowa to improve the navigation of the Des Moines river. Nothing was ever done with it. On May 15, 1856, a grant of six sections per mile was made to Iowa to aid in building five roads. July 12, 1862 (vol. 12, 543), the grant of 1846 to the Territory was increased and regiven to the State, to aid in building a railroad. May 12, 1864 (vol. 13, page 42), grants were made for three other roads, giving ten sections per mile ; and June 2, 1864 (vol. 13, page 98), the grant to the other roads was increased and the time for completion extended.

Iowa has received under these grants 4,695,490 acres of land, and has to show for it 1,672 miles of railroad built on these lines (and branches built by them), increasing the mileage for this grant to 2,250, showing one mile of road to each 2,090 acres of land.

March 3, 1863 (Stat. at Large, vol. 12, 772), Kansas secured a grant for three roads. Ten sections to the mile was given. Grants for two other roads were made July 23, 1866 (vol. 14–210), and July 25, 1866 (vol. 14, 236). Under these grants the State received 4,153,470 acres of land and has for it 1,210 miles of road, being one mile of road for each 3,430 acres of land.

This closes the lists of the acts making grants to the States to aid in building railroads within the several States. No grant, until after 1862, was for more than six sections or 3,840 acres per mile. The number of States to which lands were granted was twelve, and the amount of lands given was less than thirty-five millions. The following table will show the States, the amount of lands patented or certified to the States, number of miles built by land grant roads, and the number of miles of road built in these States, which includes land grant, and non-land grant roads. The table is as follows :

STATES.	Land patented or Certified to State.	Miles of Railway by Land Grant.	Number of acres certified to each mile of Railway built.
Alabama	2,882,076	822	3,506
Arkansas	2,376,891	620	3,833
Florida	1,760,834	247	7,128
Illinois	2,595,053	705	3,680
Iowa	4,706,458	1,672	2,815
Kansas	4,449,226	1,654	2,696
Louisiana	1,072,406	152	7,055
Michigan	3,229,010	1,005	3,210
Minnesota	7,748,651	2,389	3,243
Mississippi	935,158	406	2,303
Missouri	1,395,429	703	1,842
Wisconsin	2,807,583	553	5,077
Totals	35,958,775	10,928	

NOTE.—These figures are in round numbers, fractions omitted.

Average number of acres of land per mile, 3,290.

It will be seen that the average number of acres of land for a State to get a mile of road built in less than thirty-three hundred acres. We now come to the first direct grant to a corporation, viz :

Land Grants to Railroads.

From an exhaustive speech by Hon. Wm. S. Holman in the House of Representatives, March 11, 1884, we quote the following statistics :

TABLE No. 1.

Grants of land made by the United States to aid in the construction of certain railroads.

	NAMES OF RAILROADS FOR WHICH GRANTS WERE MADE.	Number of miles covered by grants.	Estimated number of acres granted.
1	Atchison, Topeka and Santa Fé	470	3,005,870
2	Kansas City, Lawrence and Southern Kansas	143	800,000
3	Burlington and Missouri River (in Nebraska)	190	2,441,600
4	California and Oregon	291	3,724,800
5	Southern Pacific (Southern Division)	934	....
6	Burlington and Missouri River (in Iowa)	279	948,643
7	Minnesota Central	110	3,462,403
8	Southern Minnesota	167	
9	McGregor and Missouri River	150	
10	Hastings and Dakota	75	

TABLE No. 1—*Continued.*

	Names of Railroads for which Grants were Made.	Number of miles covered by grants.	Estimated number of acres granted.
11	Chicago and Northwestern	....	....
12	Cedar Rapids and Missouri River.	271	1,298,730
13	Winona and Saint Peter (Saint Peter to Watertown).	323	1,852,989
14	Saint Paul and Sioux City	121	1,199,849
15	Sioux City and Saint Paul	122	551,148
16	West Wisconsin	177	999,983
17	North Wisconsin	42	1,408.452
18	Mississippi and Missouri River	317	1,261,181
19	Hannibal and Saint Joseph	206	781.944
20	Illinois Central	710	2,595,053
21	Dubuque and Sioux City	142	1,226,163
22	Iowa Falls and Sioux City	183	
23	Little Rock and Fort Smith	165	1,009,296
24	Memphis and Little Rock	133	804,185
25	Cairo and Fulton	....	....
26	Southwest Branch of Pacific of Missouri	37	1,161,235
27	Saint Louis, Iron Mountain and Southern	514	4,106,647
28	Missouri, Kansas and Texas	183	1,520,000
29	Oregon and California	200	3,840,000
30	Oregon Central	47	100,000
31	Southwest Branch of Pacific of Missouri	37	....
32	Atlantic and Pacific	203	
33	Lake Superior and Mississippi River	156	920,000
34	Stillwater and Saint Paul	13	
35	Saint Paul and Pacific	387	4,723,638
36	Southern Pacific (Northern Division)	934	11,964,160
37	Southern Pacific (Southern Division)		
38	North Louisiana and Texas	870	610,880
39	Denver Pacific	106	1,100,000
40	Saint Joseph and Denver City	227	1,700.000
41	Portage, Winnebago and Lake Superior	256	1,800,000
42	Florida Transit Railroad Company	155	1,171,200
43	Florida Central and Western Railway Company	155	1,405,440
44	Louisville and Nashville Railway Company	45	168,960
45	do do do	112	433,920
46	Mobile and Girard Railway Company	85	858,624
47	East Tennessee, Virginia and Georgia Railway Company	156	641,285
48	Alabama and Great Southern Railway Company	270	944,640
49	Vicksburg and Meridian Railway Company	95	368,640
50	Mobile and Ohio Railway Company	472	1,286,784
51	Morgan's Louisiana and Texas Railroad and Steamship Company	83	967,840
52	Vicksburg, Shreveport and Pacific Railway Company	76	725,760
53	Saint Joseph and Western Railway Company	226	1,700.000
54	South and North Alabama Railroad Company	183	702,720
55	Chicago, Milwaukee and Saint Paul, La Crosse to Airlie	302	1,787,953
56	Flint and Pere Marquette Railway Company	168	586,828
57	Grand Rapids and Indiana Railway Company	333	921,280
58	Marquette, Houghton and Ontonagon Railway Company	73	755.200
	Totals	13,071	85,073,773

TABLE No. 2.

Grants of Land made by the United States to aid in the Construction of certain Railroads.

	Names of Corporations.	Number of miles covered by grants.	Estimated number of acres granted.
1	Kansas Pacific	638	6,000,000
2	Central Pacific	737	7,997,600
3	Western Pacific	123	1,100,000
4	Central Branch of the Union Pacific	133	804,185
5	Sioux City Pacific	101	41,398
6	Union Pacific	038	12,000,000
7	Northern Pacific	1,317	48,215,040
8	Texas Pacific	2,870	14,000,000
9	Atlantic and Pacific	1,755	49,244,803
	Total	7,712	139,403,026

The Union Pacific Charter.

On the first of July, 1862 (U. S. Stat. at Large, vol. 12, page 489), the Union Pacific R. R. Co. was incorporated. The charter was from the 100th degree of west longitude to the western boundary of Nevada. In the first section of the charter is the following clause :

he *Capital* stock of said company shall consist of one hundred thousand shares of one thousand dollars each, which shall be subscribed for and held in not more than two hundred shares by any one person."

Section 3 grants ten sections of land per mile ; all lands not sold or disposed of in three years after the completion of the road to be subject to entry and pre-emption at $1 25 per acre, to be paid to the company.

Section 5 gives $16,000 United States bonds per mile.

Section 9 charters the Leavenworth, Pawnee and Western (now Kansas Pacific) road, to commence at the junction of the Kansas river with the Missouri river, and unite with the main line at the 100th meridian and giving it the same subsidies. It also confers the same privileges upon the Central Pacific, a corporation chartered by the State of California.

Section 10 authorizes this company to continue eastward from the eastern boundary line of California until it meets the Union Pacific.

Section 11 trebles the amount of aid for the mountainous district.

The clause restricting any one owner to not more than two hundred shares was repealed in 1864. A first mortgage to the amount of the Government loan was sanctioned. The Sioux City and Burlington and Missouri river were chartered with the same privileges granted by the original and the amended charter. One of these roads is now part of the Union Pacific.

July 15, 1866 (vol. 14-94) the Placerville and Sacramento Valley road was chartered and given ten sections per mile. July 25 (vol. 14, 239) the California and Oregon and Oregon Central were chartered and given a subsidy. Both of these roads are now part of the Central Pacific.

July 27, 1866 (vol. 14, 292) a new and much broader charter was given to the Atlantic and Pacific, giving twenty sections in the States and forty in the Territories, with many privileges as to branches. By section 18 of the same act the

Southern Pacific was chartered with the same rights given to the Atlantic and Pacific.

March 2 (vol. 14, 548), the Stockton and Copperopolis road was started with a land grant. It is now a part of the Central Pacific.

July 3, 1869 (vol. 15, 324), the Denver Pacific was authorized to take part of the grant formerly given to the Leavenworth, Pawnee and Western.

May 4, 1870 (vol. 16, 94), the Oregon Central was chartered and given twenty sections of land to the mile. This land could not be sold at more than $2.50 per acre, and only to actual settlers, in sums of not more than 160 acres. This road is now part of the Central Pacific.

March 3, 1871 (vol. 16, 573), the Texas Pacific was chartered and given forty sections per mile.

The next big corporation was the

Northern Pacific Railroad Company.

The Northern Pacific Railroad Company was chartered July 2, '64 (U. S. Stat. at Large, vol. 13, 365). It was to receive twenty sections of land per mile in Wisconsin and Minnesota, and double that amount in the Territories and Oregon. The road was to be completed July 4, 1876, twelve years from the date of the granting act. May 7, 1866 (U. S. Stat. at Large, vol. 14, 355), a joint resolution extended the time for commencing and completing the road *two years*. This made the date for its completion July 4, 1878. July 1, 1868 (U. S. Stat. at Large, vol. 15, 255), the time was extended for *commencing the road* two years, and it was required to be completed July 4, 1877.

The amount of this grant is 48,215,000 acres. Even under the decision of Secretary Schurz the road forfeited its legal rights by non-compliance with its contract, on July 4, 1879, at which time it had only 531 miles of its lines completed, and was entitled to 5,632,000 acres of land.

Atlantic and Pacific Railroad Company.

The Atlantic and Pacific, or thirty-fifth parallel route is next to be examined. The original charter and grant to this road was made July 27, 1866, and the bill, with the exception of the designated route, is a copy of the one making the grant to the Northern Pacific. Sections 8 and 9 in this act are precisely similar to the same sections in the Northern Pacific act, except that in the 8th section the time fixed for the completion of the road is set on *July fourth*, 1878, and the word "conditional" is used in the 9th section in place of the word "conditioned." The land grant is the same—forty sections in the Territories and twenty sections in the States, per mile—the whole grant amounting to forty million six hundred and ninety thousand five hundred acres, or sixty-three thousand five hundred and eighty square miles. Of this amount, thirteen millions one hundred and seventy thousand five hundred acres are situated in the Indian Territory, through which the main line and a branch from the Canadian river to the Arkansas State Line pass for a distance of six hundred and fifty miles.

Texas and Pacific Railroad Company.

The act can be found in the 16th vol. U. S. Statues at Large, 573–579. Approved March 3, 1871. This was a grant of land in Arizona and New Mexico, of forty sections per mile, and a grant of twenty sections per mile in California. By section 22 of that act, a grant of twenty sections per mile was made to the New Orleans, Baton Rouge & Vicksburg R. R. Co., known as the "Backbone," so as to give connection to New Orleans, La. The time for the completion of the Backbone was five years, and expired March 3, 1876. The Texas Pacific proper had ten years, or till 1881, but by an amendment May 2, 1872, it was extended to May 2, 1882.

Lands Earned and Lands Forfeited.

We have now given a history of how the grants were made, and will next show by a tabulated statement the number of miles of railroad built, the number of acres of land conditionally granted, the number of miles earned by completion of of the roads within the time required by law, and the number of acres forfeited even under a liberal and equitable construction of the granting acts, and then will give such extracts from the granting acts as will place before the eye at once the whole legal question to be determined.

TABLE NO. 1.

NAME OF CORPORATION.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by charter.	Miles of Railway built within time required by charter.	Average price of land sold.
Union Pacific	1,859,475	7,190,525	....	....	1,042	1,042	$4 14
Kansas Pacific	841,780	5,159,220	....	....	676	676	....
Central Branch Union Pacific	188,762	76.238	....	....	100	100	....
Denver Pacific	none	800,006	....	....	106	106	....
Sioux City and Pacific	41,318	3,672	....	....	107	107	....
Burlington and Missouri River	2,374,090	67,000	....	....	190	190	....
Southern Pacific	1,037,910	4,223,090	....	....	1,150	1,150	4 30
Branch Line Southern Pacific	95,495	2,405,505	....	....	......	......	....
Central Pacific	1,133,790	5,366,410	....	.....	883	883	7 41
	7,572,620	25,291,660	....	....	4,254	4,254	....

TABLE NO. 2.

NAME OF CORPORATION.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by Charter.	Miles of Railway built within time required by Charter.	Average Price of Land Sold.
*Oregon Branch Central Pacific	2,125,314	7,000	1,064,000	1,062,526	288	152	$7 41
Oregon and California	322,062	3,379,698	2,304,900	1,074,798	315	197	7 41
Oregon Central	none	1,130,880	380,000	750,880	144	47	7 41
Texas Pacific	none	14,309,760	none	14,309,760	678	none	....
‡New Orleans Pacific	none	1,492,000	none	1,492,000	318	none	....
†Northern Pacific	749,525	47,476,115	10,726,400	37,490,240	2,270	531	5 00
Atlantic and Pacific	526,990	40,163,510	2,070,800	38,619,700	2,426	125	....
	3,723,891	107,949,963	16,546,100	94,799,904	6,439	1,052	....

* Has 1,031,314 acres of land patented more than it is entitled to. † Has sold several million acres of land. ‡ Assignee of the New Orleans, Baton Rouge & Vicksburg R. R.

Table No. 1 shows the completed roads, that is, the roads that were built within the specified time designated by their charters.

Table No. 2 shows the roads that defaulted.

The Union Pacific controls the Kansas Pacific, Central Branch Union Pacific, Denver Pacific, and Sioux City & Pacific, which were land grant roads, besides several other branches which were not land grant roads.

It will be seen that these corporations have received 7,572,620 acres of land, and are claiming and are entitled to 25,291,660 acres, making a total of 32,864,280 acres. They have built 4,264 miles of railroad, so that for each mile of railroad built they have been given 7,780 acres of land; whilst the States only secured 3,290 acres for each mile built—just half the amount given to the corporations. To place it in another form, the States have been given 35,958,775 acres of land, and for this have built 10,928 miles of road; whilst these corporations have been given 32,864,280 acres of land, more than the States received, and for it they have returned us but little more than a third of the number of miles of railway.

Moneys Given.

Besides this land these roads have received an immense subsidy in money from the Government, as is shown by the following statement from the official records:

To the Union Pacific and its branches, the Kansas Pacific, the Sioux City & Pacific, and the Central Branch Union Pacific, Government bonds were issued to the amount of $36,767,832, and the Government has paid interest on this to the amount of $31,895,228, of which sum the road has repaid by transporting mails-troops, etc., $11,398,913, leaving due July 1, 1882, on interest paid, $20,469,304.

To the Central Pacific (including the Western Pacific) there was loaned $27,855,680 in bonds. The interest paid on these by the Government amounts to $23,449,463; the corporatioh has repaid $3,821,779, leaving interest due July 1, 1882, $19,627,684.

To show this matter in detail, the following table from the report of the Secretary of the Treasury under date of Dec. 3, 1883, will be found valuable:

TABLE N.—*Statement of* 30-*year* 6 *per cent. bonds* (*interest payable January and July*) *issued to the several Pacific Railway Companies under the acts of July* 1, 1862 (12 *Statutes*, 492), *and July* 2, 1864 (13 *Statutes*, 359).

RAILWAY COMPANIES.	Amount of Bonds Outstanding.	Amount of Interest Accrued and paid to date as per preceding Statement.	Amount of Interest Due as per Register's Schedule.
On January 1, 1876:			
Central Pacific	$25,885,120 00	$13,027,697 67	$776,553 60
Kansas Pacific	6,303,000 00	3,103,893 09	189,090 00
Union Pacific	27,236,512 00	11,884,324 65	817,095 36
Central Branch Union Pacific	1,600,000 00	781,808 26	48,000 00
Western Pacific	1,970,560 60	722,380 14	59,116 80
Sioux City and Pacific	1,628,320 00	682,703 89	48,849 60
	$64,623,512 00	$28,202,807 70	$1,938,705 36

RAILWAY COMPANIES.	Total Interest paid by the United States.	Repayment of Interest by Transportation of Mails, Troops, etc.	Balance due the United States on interest Account, Deducting Repayments.
On January 1, 1876:			
Central Pacific	$11,804,251 27	$1,191,765 86	$10,612,485 41
Kansas Pacific	3,292,983 09	1,440,664 84	1,852,318 25
Union Pacific	12,701,420 01	3,943,715 65	8,757,704 36
Central Branch Union Pacific	829,808 26	44,408 05	785,400 21
Western Pacific	781.496 94	9.367 00	772,129 94
Sioux City and Pacific	731,553 49	39,005 96	692,547 53
	$30,141,513 06	$6,668,927 36	$23,472,585 70

The above table shows the amount due January 1, 1876—from the six roads (really but two, the Union and Central Pacific having swallowed the others). This amount has steadily swelled as follows, there being due the Government

July 1, 1876	$25,227,727 17
Jan. 1, 1877	27,014,416 32
July 1, 1877	27,443,139 25
Jan. 1, 1878	28,890,144 88
July 1, 1878	29,953,595 61
Jan. 1, 1879	31,202,642 51
July 1, 1879	31,116,907 19
Jan. 1, 1880	32,130,681 75
July 1, 1880	33,974,568 75
Jan. 1, 1881	35,476,119 18
July 1, 1881	37,041,145 67
Jan. 1, 1882	38,698,091 04
July 1, 1882	40,123,989 44
Jan. 1, 1883	41,159,527 51

and on July 1, 1883, the following table shows the amount due from these roads to be of $42,444,713.26 :

RAILWAY COMPANIES.	Amounts of Bonds Outstanding.	Amount of Interest Accrued and paid to date, as per preceding Statement.	Amount of Interest Due as per Register's Schedule.
On July 1, 1883:			
Central Pacific	$25,885,120 00	$22,676,001 67	$776,553 60
Kansas Pacific	6,303,000 00	5,940,243 09	189,090 00
Union Pacific	27,236,512 00	24,140,755 05	817,095 36
Central Branch Union Pacific	1,600,000 00	1,501,808 26	48,000 00
Western Pacific	1,970,560 00	1,609,132 14	59,116 80
Sioux City and Pacific	1,628,320 00	1,415,447 89	48,849 60
	$64,623,512 00	$57,283,388 10	$1,938.705 36

Railway Companies.	Total Interest paid by the United States.	Repayment of Interest by Transportation of Mails, Troops, etc.	Balance due the United States on Interest Account, Deducting Repayments.
On July 1, 1883 :			
Central Pacific	$23,452,555 27	$4,592,158 25	$18,860,397 02
Kansas Pacific	6,129,333 09	2,969,049 59	3,160,283 50
Union Pacific	24,957,850 41	8,933,292 87	16,024,557 54
Central Branch Union Pacific	1,549,808 26	152,157 10	1,397,651 16
Western Pacific	1,668,248 94	9,367 00	1,658,881 94
Sioux City and Pacific	1,464,297 49	121,355 39	1,342,942 10
	$59,222,093 46	$16,777,280 20	$42,444,713 26

State Grants and Grants to Corporations.

Where Rests the Responsibility for these Grants ?

All of the grants of lands and moneys in these large quantities were made from the passage of the Union Pacific Charter, July 1, 1862, to the closing scene on the passage of the Texas Pacific bill, March 3, 1871, while the Republican party was in control of both houses of Congress and the Executive departments. Of the various grants made within that period, the bonds lent by the Government amount to $64,623,512 to the following roads :

Central Pacific, Kansas Pacific, Union Pacific, Central Branch Union Pacific, Western Pacific, Sioux City and Pacific.

The lands given to the roads that were completed in time to earn their lands is shown by the following table, and it will be seen that the roads just mentioned receive land in addition to bonds.

Name of Corporation.	Land Patented.	Land Claimed.	Land Earned.	Land Forfeited.	Miles of Railway called for by charter.	Miles of Railway built within time required by charter.
Union Pacific	1,859,475	7,190,525	....	....	1,042	1,042
Kansas Pacific	841,780	5,159,220	....	....	676	676
Central Branch Union Pacific	188,762	76,238	....	....	100	100
Denver Pacific	none	800,000	....	....	106	106
Sioux City and Pacific	41,318	3,672	....	....	107	107
Burlington and Missouri River	2,374,090	67,000	....	....	190	190
Southern Pacific	1,037,910	4,223,090	....	....	1,150	1,150
Branch Line Southern Pacific	95,495	2,405,505	....	....	. ...	.....
Central Pacific	1,133,790	5,366,410	....	....	883	883
	7,572,620	25,291,660	....	....	4,254	4,254

It will be observed that while these roads have earned 32,864,280 acres of land, they have taken patents for but 7,572,620 acres. Their reason for this course arises from the fact that until they take out patents the title is in the government, hence the roads escape taxation. The grants of lands to other roads will now be noticed, and the roads aggregate an immense area.

The acts making the grants can be found as follows : Northern Pacific railroad (Act July 2, 1864, U. S. statutes vol. 13, page 365, time for completion July 4, 1877, but extended to July 4, 1879). Acres of land, 46,947,200. California and Oregon Railroad Co. (Act July 25, 1866, 14th vol. U. S. statutes page 239), acres of land 3,686,400. Oregon and California Railroad Co. (Act July 25, 1866, vol. 14 U. S. statutes, page 239), acres of land 4,608,000.

Atlantic and Pacific Railroad Co. (Act July 27, 1866, U. S. statutes, vol. 14, page 292), time for completion July 4, 1878. Acres of land granted 40,690,560. Southern Pacific Railroad Co. (Act July 27, 1866, U. S. statutes, vol. 14, page 292), time for completion July 4, 1878. Acres of land granted 1,130,880.

Texas Pacific Railroad Co. (Act March 3, 1871, U. S. statutes, vol. 16, page 573), time for completion May 2, 1882. Acres of land 14,309,760.

New Orleans Pacific, assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Co. (22d section, act March 3, 1871, vol. 16, page 573), time for completion March 3, 1876. Acres of land granted 4,070,400. (Note : this was the amount voted by the bill, viz. : 20 sections per mile for 318 miles. But it is estimated that there is not more than 1,492,000 acres of land available.) This closes the grants of money and lands. The lands to the completed roads are 32,864,280 acres. This amount is gone forever from the people. The lands granted to roads that did not comply amount to 111,673,854 acres or 174,490 square miles.

This is more land than is contained in the the States of New York, New Jersey, Pennsylvania, Ohio and Indiana. The acts making the grants of money and lands, are shown to have been passed between July 1, 1862, and March 3, 1871. The Republican party, the true party of monopoly, had control of both Houses of Congress by from a two-thirds (⅔) to three-fourths (¾) majority. So that there is no possible chance for the responsibility to be shifted. But that party's responsibility does not stop here. The time fixed for the completion of the roads began to expire in 1876, and the last one expired May 2, 1882. If the executive offices had been filled by men who were honestly in favor of doing that which is only honest, they would have closed the doors of the department to roads, as their time for completion expired and exacted a strict compliance with the terms of the grant. We find that this subject has three distinct eras. The first era runs from July 1, 1862, to March 3, 1871, and this era is the granting era. The second era is from 1876 to 1882, the era in which those grants expired by limitation. The third era begins July 30, 1882, when the Hon. Thomas R. Cobb, of Indiana, introduced House Bill No. 3606, for the forfeiting of all unearned land grants (47th Cong., 1st session), and brings us down to the present time. The House of the Forty-seventh Congress was Republican, and the action of that body shows that the Republican party had not changed from the friends of monopoly to the friends of the people. Mr. Cobb's bill was referred to the Judiciary Committee, and the record shows that on May 16, 1882, Mr. Taylor from that committee made report No. 1266, confirming the title of settlers on disputed lands on what is known as the "Ontonagon Grant," and the bill calmly died on the calendar. On Monday, July 24, 1882, the minority of the Judiciary submitted their report, and with it a resolution to forfeit the Northern Pacific unearned land grant. They asked that the matter be placed on the calendar. Mr. Caswell, of Wisconsin (Rep.) objected, and the Speaker, J. Warren Keifer, sustained him. Mr. Cox, of New York (Dem.), appealed from the decision of the chair. Mr. Reed (Rep.), of Maine, moved to lay Cox's motion on the table. A newspaper dispatch of that date shows this up in a true light. In speaking of this report, it said :

"The majority of the committee (8) reported in the interest of the railroad company that *no action was necessary,* and when the minority of the committee (7) submitted their report, and asked that the subject be placed on the calendar for discussion, Speaker Keifer ruled the motion out of order on the ground that the majority of the committee having reported that no action was necessary the question *could not be discussed* on the report of a minority. Mr. Cox, of New York, appealed from this remarkable decision of the chair, when Mr. Reed, of Maine, moved to lay the appeal on the table, which was carried by the following vote: Yeas, 97; nays, 70. Not voting, 123. *Mr. Caswell (Rep.), of Wisconsin, tried to prevent this vote from going on record."*

That action showed the animus of the Republican leaders. We now come to a report that is unique in its character. We allude to the action of the chairman of the Committee of Judiciary, Thos. B. Reed, of Maine, then as now one of the leaders of the Republican party. The Republican railroad members of that committee, rather than have the manner in which the Texas Pacific bill was BOUGHT through Congress in 1870 and 1871 exposed, voted almost unanimously to forfeit the grant on August 3, 1882. When the committee was called that day the record shows the following proceedings (Congressional Record, Aug. 3d, 1882):

Texas Pacific Railroad.

The Committee on the Judiciary being called:

Mr. REED—I desire to present a report from the Committee on the Judiciary in regard to the Texas Pacific railroad. I have not the document with me at this moment; it is being copied, and if the House has no objection I will file it as soon as it is ready.

The SPEAKER *pro tempore* (Mr. Hubbell)—If there be no objection, the gentleman will be allowed to file the report when copied. The Chair hears no objection. What order does the gentleman ask?

Mr. KNOTT—On behalf of several members of the committee I desire to submit in connection with this report some individual views to be printed with it.

The SPEAKER *pro tempore*—If there be no objection, the views of the minority will be presented, to be printed with the report of the Committee.

There was no objection.

Mr. HOLMAN—Let the resolution accompanying the report be read.

The SPEAKER *pro tempore*—The gentleman from Maine (Mr. Reed) states that the report is being copied and will be presented hereafter.

Mr. HOLMAN—But the resolution, I presume, is here?

Mr. REED—The resolution also is being copied. It could not at any rate be read under the present order.

Mr. HOLMAN—Then it cannot be received.

A MEMBER—Let it be printed.

Mr. REED—Certainly; it will be printed as a part of the report.

Mr. RANDALL—My neighbor suggests to me to ask that the report be presented hereafter, and that the House give consent to the consideration of the resolution.

MR. REED—That cannot be done under this rule. This is a presentation of the report in ordinary form under the rule. All I ask is that I may make manual transmission of the report hereafter.

Mr. RANDALL—I suggest that the gentleman be allowed to call it up for consideration to-morrow.

Mr. REED—That cannot be done. That is not proper, because the report has not been printed.

The SPEAKER *pro tempore*—The Chair cannot entertain that request during this hour.

Mr. RANDALL—Unanimous consent can be asked.

Mr. REED—Unanimous consent has never been asked in this hour.

Mr. ELLIS—I object, until I know what it is.

Mr. RANDALL—It is the forfeiture of 14,000,000 acres of land, granted to the Texas Pacific Railroad. *quasi* Pennsylvania corporation.

Mr. HOLMAN—Nearly 18,000,000.

Mr. TOWNSHEND, of Illinois—What has become of the resolution reported by the gentleman from Maine ?

The SPEAKER *pro tempore*—The gentleman informed the Chair that the report and resolution were being copied, and asked unanimous consent to file the same as soon as copied.

Mr. TOWNSHEND, of Illinois—And that the resolution go on the calendar ?

The SPEAKER *pro tempore*—That was the understanding.

Mr. REED—That will be done under the rule. I have stated that I merely wish to make manual transmission of this report hereafter instead of now.

Mr TOWNSHEND, of Illinois—That is right, of course. I only wished to understand the status of the resolution. I understand it will go to the calendar.

The SPEAKER *pro tempore*—The resolution will take the same course as though it were presented now.

Mr. COX. of New York—When will it come up for consideration ? We want to consider it.

The SPEAKER *pro tempore*—The report will come up in its order.

Mr. TOWNSHEND, of Illinois—It can be called up at any time by unanimous consent.

Mr. COX, of New York—We ask unanimous consent to take it up to-morrow.

Mr. REED—The gentleman from Louisiana [Mr. Ellis] has objected.

This took place August 3d, and yet when Congress adjourned on August 8th a printed copy of neither the resolution nor report could be found ; nay, more, there never was a printed copy found in the document room of the House, until after James A. George, on the night of September 6, made a speech in Congress Hall, Portland, Maine, the home of Mr. Reed, and charged publicly that Mr. Reed had pocketed the report. Yet in the face of this, we find that on January 31, 1884, when the bill was up in the House to forfeit the Texas Pacific land grant, Mr. Reed had the assurance to ask to have printed in the *Record* the report which the Judiciary Committee agreed to August 3, 1882, but not submitted for some time afterward. In the record of January 31, 1884, page 844, the following, on motion of Mr. Reed, was printed :

" Mr. Reed (August 3, 1882), from the Judiciary, submitted the following report : "

Any one not knowing the true facts of the case, might think Reed submitted a report August 3, 1882, but the record of that day's proceedings shows this to be false, and Mr. Reed cannot escape in this manner. It is hardly necessary to state that the lobby were here in full force and hovered around the committee like buzzards around a carcass. That they were successful is hardly necessary to state, for the records of the Forty-seventh Congress show that no effort was ever made to take up a bill inimical to the railroads, while two huge efforts were made to pass a bill, under cover of which Huntington, Stanford, Crocker & Co. could and would have stolen fourteen millions of acres of land. We allude to the effort to pass a bill to allow a consolidation of the Southern Pacific system from San Francisco via El Paso and San Antonio, Texas, to New Orleans, La. The bill alluded to is

House Bill 5219, which was the substitute reported from Pacific Railroads committee for House Bill 2534, and the reports accompanying are Nos. 755 and 1168, and was put on House calender May 3, 1882. House Report 1168 is notable from the fact that it takes the ground that monopolies do not work in the interests of monopoly but of the people.

We now come to the interregnum between the outgoing of the Republican House and the incoming of the Democratic House. The fight is now to be transferred to the Interior Department and due credit must be given to the men who threw themselves into the breach to save the people's lands. During the whole vacation of Congress, the Hons. W. S. Rosecrans, of California, and Poindexter Dunn, of Arkansas, were in Washington, and never failed to interpose an objection at the Interior Department, whenever the railroads attempted to take an advantage. Learning on June 5, 1883, that the Texas and Pacific were attempting, by a pretended deed of transfer, to get 14,309,760 acres of land, they, in connection with Hon. T. R. Cobb, who was in the city that day, filed the following protest:

WASHINGTON, D. C., June 5, 1883.

HON. H. M. TELLER, *Secretary of the Interior.*

SIR: We are informed that the Southern Pacific Railroad Companies of Arizona and New Mexico, claiming as assignees of the Texas Pacific Railroad Company, have filed, or contemplate filing at an early day, an application for the lands granted to the Texas Pacific Railroad Company by the act of March 3, 1871 (U. S. Stat. at large, Vol. 16, page 573), as amended by the act of May 2, 1872 (U. S. Stat. at large, Vol. 17, page 59).

As you are probably aware, the Judiciary Committee of the House of Representatives of the 47th Congress, on the 3d of August, 1882, with but one dissenting vote, declared these lands forfeited. But for the fact that almost the entire time of the succeeding session was taken up in the discussion of revenue measures, there is little doubt that this resolution would have passed.

Again we would call to your attention that an effort was made to consolidate these roads in the last session of Congress, bills for that purpose being introduced in both houses, so that *a shadow* of title might be acquired by the Southern Pacific Companies. The bill was never called up in the Senate and was twice defeated in the House, first on the 11th of January, and again on the 2d of March of this year, by a most decided vote.

In consideration of these facts, and of the probabilities that immediately upon the issuance of certificates for said land, the same will be mortgaged for the issuance of land bonds, that innocent purchasers may be brought in, we protest against any action on your part looking to the issuance of certificates to said Southern Pacific Companies, or to any other company claiming under the acts previously alluded to. We also desire that a certified copy of all papers now in your office, or that may be filed by any company or persons, in relation to the said lands, be furnished us. (Signed) W. S. ROSECRANS, Cal.
T. R. COBB, Ind.
POINDEXTER DUNN, Ark.

This action on their part stopped all proceedings, and when Congress met the House, by a vote of 260 ayes to 1 nay, passed a bill to forfeit this grant. On the same day these same gentlemen filed a similar protest on the "Blackbone" grant.

We now come to the meeting of the 48th Congress (House Democratic), and we will see what they have done. The committees were not announced till just before the holidays. Yet we find a record of the following prompt action on the part of the Public Lands committees. On January 31, 1884, Mr. Cobb, as chairman of the

Public Lands, asked the House to take up and pass House bill 3520, declaring forfeited certain lands granted to States in aid of railroads. The bill passed by a *viva voce* vote, and thus between five and six million acres of land, so far as the House of the 48th Congress was concerned, were saved. But this day was to witness a still greater triumph, The next bill taken up was House bill 3933, to declare a forfeiture of lands granted to the Texas Pacific Railroad. The House, by a vote of 260 ayes to 1 nay, passed this bill, and 14,309,760 acres of land more was saved, so far as the House of the 48th Congress could save.

Estimated Disposition of the Public Domain to June 30, 1880, *June* 30, 1882, *and June* 30, 1883.

The amount disposed of up to June 30, 1883, is about 620,000,000 acres.

	ESTIMATED DISPOSITION UNDER VARIOUS LAWS TO—		
	JUNE 30, 1880.	JUNE 30, 1882.	JUNE 30, 1883.
	Acres.	Acres.	Acres.
	547,754,483	572,957,047	591,987,814
Cash sales, which include pre-emption, etc., and probably 30,000,000 or more acres accounted for under other acts and commutation of homesteads, from the establishment of land system to June 30, 1880	169,832,564	173,000,000	175,000,000
Donation acts—Florida, Oregon, Washington, and New Mexico.............	3,084,797	3,117,401	3,121,534
Land Bounties—Military and Naval service.............................	61,028,430	61,028,430	61,064,150
State selections (Act 1841) for internal improvement........................	7,806,554	7,806,554	7,806,554
Salines (salt springs) granted to States...	559,965	559,965	559,965
Town sites and county seats............	148,916	162.794	167,871
Railroad land grants patented...........	45,650,026	46,526,823	47,004,043
Canal grants...........................	4,424,073	4,424,073	4,424,073
Military wagon-road grants.	1,301,040	1,301,040	1,741,897
Mineral lands sold since 1866.....	148,621	194,970	224,483
Homesteads, 3,000,000 (estimated) acres of which have been commuted and carried into cash sales	55,667,044	67,043,189	75.215,164
Scrips enumerated.....................	2,778,622	2,893,034	2,949,113
Coal lands............................	10,750	24,560	40,172
Stone and timber acts of 1878...........	20,782	159,008	456,743
Swamp and overflowed lands selected and patented to States...................	69,206,522	70,006,769	70,445,957
Graduation act of 1854.................	25,696,419	25,696,419	25,696,419
Schools, Seminaries and Agricultural Colleges:			
16″ and 36″ sections for schools 67,893,919			
Seminaries and universities. 1,165,520			
Agricultural colleges—Land in place................. 1,770,000			
Agricultural colleges—Land scrip 7,830,000			
	78,659,439	78,659,439	78,889,839
Area held under timber-culture act......	9,346,660	13,657,146	16,768,076
Desert land act	897,160	1,170,675	1,607,310

The Action of the Forty-eighth Congress.

The House of Representatives of the Forty-eighth Congress recognizing the importance of declaring forfeited unearned land grants, went promptly to work under the able and vigilant lead of Hon. T. R. Cobb, of Indiana, chairman of the Committee on Public Lands.

January 21, 1884, Mr. Holman submitted the following resolution, which was agreed to :

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens ; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions ; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills ; and the same shall in like order be entitled to consideration.

History of the Land Grant Bills.

H. R. 3,520. Declaring forfeited certain grants of lands made to certain States to aid in the construction of railroads.

In the House, passed January 31, 1884, without a record vote.

In the Senate, received February 4, reported from Committee on Public Lands, amendment, June 30. No vote taken.

Mr. Cobb stated the purpose of the bill in the following words ;

Mr. COBB—As I was about saying, Mr. Speaker, none of these roads have been completed, none ot them begun. Their grants simply stand in their name without any work whatever having been done upon the roads which these grants contemplated. I do not deem it necessary, therefore, to take up the time of the House in discussing in detail any ot these grants. It is a mere question of policy now whether the grants shall be forfeited in view of the failure of the companies to construct the roads or not.

Under a decision of the Supreme Court in a similar case, although all of these grants contained the condition that in case the railroads are not completed in ten years from the date of the grant that at the end of that period the lands shall revert to the Government of the United States, under the decision of the Supreme Court of the United States in the case of Shulenburg *vs.* Herriman it has been held that these were grants *in præsenti* and carry the legal title to the States to which they are made or to the railroad companies. That being so, the committee deemed it right and proper that there should be a declaration upon the part of the legislative department of the Government creating these grants declaring a forfeiture and restoring the lands to the public domain, reserving, as you will perceive by the bill, the rights of settlers, homesteaders, etc., made in good faith. None ot these lands in any of these grants have been sold. In the case of the State of Alabama I believe one of these grants was not accepted at all. As to the other grants, no corporations were organized for the purpose of accepting them. This is about the substance of the facts in the case, and, as I have said, it seems scarcely necessary to detain the House longer. The expression of the House and the feeling, I take it, is such that if this was an original proposition to grant these lands to these States for the benefit of railroad corporations in constructing their roads, they would not be granted at all.

The only question is whether we will allow these grants to remain that were made twenty-seven years ago, seventeen years having expired since the expiration of the time then the grant contemplated the completion of the various lines of road. I do not believe the House will entertain for a moment the idea of continuing these grants longer.

H. R. 3933. To declare forfeited lands granted to the Texas and Pacific R. R. Co.

Passed House January 31, 1884.

Yeas, 260; nay, 1.

In the Senate, Feb. 4, received and referred to the Committee on Public Lands. March 7, reported with no amendment. No vote taken.

The report is here given in full:

The Committee on Public Lands, to whom was referred certain bills relating to the grant of lands in aid of the Texas and Pacific Railway Company, having had the same under consideration, make the following report:

Your committee have given this case careful attention and earnest consideration, not only on account of the magnitude of the interests involved, but because this was the first grant considered by the committee where serious opposition was made to the proposal to declare forfeiture of the grant for breach of the condition on which it was made, in which several legal questions were presented at the outset and earnestly argued by eminent counsel, questions which are common to all the cases of lapsed grants pending before the committee, first among them being the question of the power of Congress to interfere in any event; so your committee have carefully examined the whole matter before recommending what they do, viz., that the accompanying bill be passed, declaring the grant forfeited for breach of the condition on which it was made, restoring the lands to the public domain for sale and settlement under existing law, and protecting the rights of settlers and claimants under the Government. We find the facts deemed essential to be as follows:

The Texas Pacific Railroad Company was incorporated by act of Congress approved March 3, 1871 (16 Statutes at Large, page 573). By section 1 of that act the route was defined and described as follows:

"From a point at or near Marshall, county of Harrison, State of Texas; thence by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, Cal., to Ship's Channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude."

Section 23 provides:

"That for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad at or near the Colorado river, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

Section 9 provides for a land grant which, as described by the Secretary of the Interior, Ex. Doc. 144, Forty-seventh Congress, first session, is—

"A grant of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the Territories of the United States, and ten alternate sections per mile on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed."

"Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road."

Section 17 of the act required the company to commence the construction of the road simultaneously at San Diego, Cal., and at a point at or near Marshall, Tex., and prosecute the work so that the entire road should be constructed within ten years after the passage of the act.

By the act of May 2, 1872, however, the time for the construction and completion of the road was extended to May 2, 1882, and the title of the company changed to the Texas and Pacific Railway Company.

Section 4 of the act is as follows:

"That the said Texas Pacific Railroad Company shall have power and lawful authority to purchase the stock, land grants, franchises, and appurtenances of, and consolidate on such terms as may be agreed upon between the parties with, any railroad company or companies heretofore chartered by Congressional, State, or Territorial authority *on the route prescribed in the first section in this act*, *but no such consolidation shall be with any competing line of railroads to the Pacific Ocean.*"

Section 5 reads:

"That the said company shall have power and authority to make running arrangements with any railroad company or companies heretofore chartered or that may be hereafter chartered by Congressional, State, or Territorial authority; also to purchase lands, or to accept donations or grants of lands or other property from States or individuals, *for the purpose of aiding in carrying out the objects of this company.*"

Section 6 reads:

"That the rights, lands, land grants, franchises, privileges, and appurtenances, and property of every description belonging to each of the purchased or consolidated railroad company or companies, as herein provided, *shall vest in and become absolutely the property of the Texas Pacific Railroad Company: Provided*, That in all contracts made and entered into by said company with any and all other railroad company or companies, to perfect such aforesaid consolidation or purchase, the indebtedness or other legal obligations of said company or companies shall be assumed by the said Texas Pacific Railroad Company, as may be agreed upon, and no such consolidation or purchase shall impair any lien which may exist on any of the railroads so consolidated or purchased; but said company shall not assume the debts or obligations of any company with which it may consolidate or purchase as aforesaid to an amount greater than the cash value of the assets received from the same."

Section 15 provides:

"That all railroads constructed, or that may be hereafter constructed, to intersect said Texas Pacific Railroad shall have the right to connect with that line;" that no discriminations shall be made, etc.

Section 18 provides for the appointment of a commission to examine the road as constructed, and for a report to the President for approval, preliminary to the issue of patents for the land.

Section 23 reads:

"That for the purpose of connecting the Texas Pacific Railroad with the City of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehatchapa Pass, by way of Los Angeles, to the Texas Pacific Railroad, at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to the said Southern Pacific Railroad Company of California by the act of July 27, 1866: *Provided*, *however*, That this section shall in no way affect or impair the rights, present or prospective, of the Atlantic and Pacific Railroad Company, or any other railroad."

Pending the construction of the railroad of the Texas Pacific Railroad, the Southern Pacific Railroad Company of Arizona, and the Southern Pacific Railroad Company of New Mexico were chartered by the legislatures of those Territories respectively, the objects of these corporations being to construct a line of railroad from a point (Yuma) on the the Colorado River (which was the proposed point of junction of the Southern Pacific Railroad of California with the Texas Pacific Railroad) eastwardly to Texas, and practically along the line of the thirty-second parallel of north latitude, substantially identical with the route proposed by the Texas Pacific from El Paso (on the line between Texas and New Mexico) westwardly to Yuma.

These two corporations last named, it should perhaps be stated, are practically identical with the Southern Pacific of California, all three forming, in fact, one corporation—the Southern Pacific Railroad Company. This is believed to be all the legislation necessary to be noticed in connection with the question in hand.

Work was begun by the Texas Pacific company at Marshall, in Texas, and by the Southern Pacific company in California, the latter progressing toward the point of junction as proposed, Yuma, and the former westwardly toward El Paso, on its line by that point toward Yuma. It is enough to say that when the Southern Pacific reached Yuma, about April, 1877, the Texas Pacific had its line in Texas only completed to Fort Worth, distant some 1,200 miles from Yuma.

The delay in its construction seems to have been caused by the great depression in monetary matters following the panic of 1873, and the inability of the managers of the enterprise (headed then by Mr. Thomas Scott) to sell the bonds of the company to realize funds for the prosecution of the work.

Mr. Scott then came to Congress for relief, asking in substance that the Government guarantee the interest on a large amount of bonds which he proposed to issue, and asserting that it would be impossible for his company to complete the work on which it had entered and give the country a through line of *competing* road to the Pacific coast, as was contemplated by the act of 1871, unless this additional aid (which he claimed was really only a loan of credit) was given.

Then began the struggle between these two corporations, which continued until November, 1881, until it was ended by a contract between the Southern Pacific Company and the Texas and Pacific Company, then represented by Mr. Jay Gould, who had succeeded Mr. Scott as the head of the last-named corporation.

For reasons which will be apparent later in this report, your committee deem it very essential to keep in mind the relations which these companies sustained toward each other during the period construction was progressing of the road of each, and to remember that the clearly expressed intention on the part of Congress in the act making this grant was to provide for a competing through line of railroad from the Mississippi to the Pacific Ocean, and that San Diego was to be the western terminus. At that time the position of the only through transcontinental line of transportation owned by the Central Pacific and the Union Pacific companies was well understood by the people and their representatives in Congress.

The Congress had in the charters to these two corporations given them bounties to aid in the construction of their roads most prodigal in their extravagance, but the enterprise of building a transcontinental line of railroad was believed to be necessary for a proper defense of the country in time of war, as well as for the proper transaction of business between the East and West.

The events are too recent to need recital here of the monumental fraud, treachery, and depredation committed by these corporations upon the public.

The managers of these two corporations procured in 1864 the passage of an act sacrificing every interest of the people that was protected by the acts incorporating them.

The second mortgages of the companies, aggregating over sixty-four millions of dollars, were made a prior lien over the lien of the Government for its claim of about the same amount, and the *first* lien of the Government made *second.* Indeed, as was said in debate on the bill, nothing that the ingenuity of man could invent for their benefit was withheld.

Consolidation from ocean to ocean was expressly permitted, and the result was what we have all witnessed, and as a people we have experienced.

As soon as the civil war closed the old project of a Southern trans-continental route was revived, and it was favored by many of the statesmen of that period on the ground that it would aid the South in recuperating, and it was only just, as the North had had the benefit of the immense grants and enormous aids given to the other companies; and above all it was plausibly and properly argued that the construction of a rival competing through line along the 32d parallel to San Diego would remedy the monopolistic evils so apparent as to freight and passenger tariffs over the Central and Union Pacific roads.

The new route was called the "open highway," and, under the leadership and management of General Frémont, the new enterprise, known as the Memphis and El Paso, was put on its feet.

It received immense grants of land in Texas from the legislature (the United States having no public lands in that state); was encouraged by Congress, and was prospering well, until, in the attempt to secure the investment of foreign capital in the enterprise, General Frémont was arrested on a charge of fraud in Paris.

This brought the scheme to an end apparently, until Mr. Scott, of the Pennsylvania Railroad, was induced to interest himself in the plan. To give the enterprise the appearance of a new project, and divested of the odium attaching to the ignominious failure of the old one, the name of Memphis and El Paso was abandoned and that of the Texas and Pacific adopted. All the land grants made by Texas to the Memphis and El Paso were transferred to the Texas Pacific; the citizens of San Diego made large valuable donations of lands and property to the new company for terminal facilities, and the assistance of Congress secured by the passage of the act of 1871 making this grant, to aid the "open highway"; to secure a "through competing line" to San Diego, and to prevent, as far as it seemed possible to do so, any arrangement or contract of purchase or sale or consolidation with any competing line of railroads to the Pacific Ocean (sections 4 and 5).

So these two ideas are clearly apparent: that Congress intended to authorize this special enterprise to act in the construction of its proposed road to San Diego, which road was to be a competitive line with the Central and Union to the Pacific Ocean, and carefully guarded against the loss of the identity of the corporation it was creating by providing that all purchases, consolidation, property rights acquired, etc., should be the property of the Texas Pacific Company (section 6).

This was the condition of affairs when Mr. Scott became interested in the enterprise, and so continued until the panic of 1873, when active work in Texas was suspended for lack of necessary means.

We all remember that for a time investors could not be induced to embark in the most promising of schemes of railroad building after the great disaster to the Northern Pacific.

So Mr. Scott came to Congress and urged, as an act of justice to a great enterprise, in the interest of a healthy competition, a guarantee of the interest only on the bonds of his company.

This appeal of Mr. Scott to the Forty-fifth Congress met with sturdy, strenuous opposition by the Southern Pacific Railroad Company.

That corporation, seeing the importance of the vast and increasing transcontinental traffic, and desirous of controlling it itself, commenced operations for securing it by, first, defeating the agent created by Congress to build the road, foreseeing that the difficulties under which the Texas Pacific was laboring were insurmountable unless the helping hand of Congress could be extended to it; second, by procuring the necessary authority to build east of Yuma, and then constructing its own road to the Mississippi Valley and the Gulf coast in Texas.

It should be borne in mind that up to this time the Southern Pacific had no rights east of Yuma, on the west bank of the Colorado River, in California. The only authority it had from Congress was in the last section of the act of 1871, to build a line of road from just above Los Angeles, Cal., to the Texas Pacific Railroad, at or near the Colorado River; and, indeed, that is *all* the recognition Congress has ever given it. At Yuma the power of the Southern Pacific Company ceased, so far as Congress was concerned.

How the Southern Pacific labored to defeat the Texas Pacific from securing the aid desired is best shown by a few extracts from letters written by Mr. Huntington, the principal manager of the Central Pacific, to Mr. Colton, the *ostensible* head of the Southern Pacific, which letters have become public in a litigation in California for a division of the vast profits arising from the consummation of this scheme. The authenticity of these letters has never been denied, and what they tend to or do prove will be noticed hereafter.

Just now the disclosures made by these letters are exceedingly opportune, and we insert a few of over three hundred of the same general character and tone.

These are the specimen letters:

(No. 1.)

NEW YORK, November 17, 1874.

FRIEND COLTON: Yours of the 7th and 9th instant are received. I notice that you are yet on Luttrell's trail. I hope you will get some one to convince him that we are good fellows, and that should not be a hard thing to do, for I have no doubt of it myself. I notice what you say about getting control of the A. and P. franchise by getting a majority of the stock. My opinion is that a majority of that stock is in the hands of those that control the A. and P. and Texas P. You no doubt are aware that they went in with the Texas P. some two years ago, and that the two companies agreed to run the A. and P. down to meet the Texas P. somewhere in Texas, and then run one line through to the Pacific; but will find out all I can and let you know.

Yours, truly, C. P. HUNTINGTON.

(No. 2.)

NEW YORK, November 28, 1874.

FRIEND COLTON: Yours of November 27 is received with inclosures. It certainly was a shabby thing in Vining to write such a letter. Towne wrote me and sent me a copy of the letter. I saw Dillon and he seemed very much offended at V. for writing it, and said nothing of the kind should happen again. I think I shall show your letter to Gould, but they are not our kind of people. I have sent out some copies of Tom Scott's bill as amended by me. Read it carefully and let me know what you think of it. Of course the San Diego people may not like it unless you agree to build a road from their place out to connect with our road, and you may think best to do that. *It certainly is very important to S. F. that we build the S. P. into Arizona*, and it would be well for you at once to write some letters for the influential men of S. F. to sign, to send to all our M. C. and Senators, *to go for the bill as we want it*; and if you do not think it right as it is, fix it and send it back, but if we could get as it is I would be satisfied. Storrs says it will make Scott very mad, and he thought it best not to send it, and may be he is right ; *but if Scott kicks at it, I propose to say to Congress "we will build east of the Colorado to meet the Texas P. without aid, and then see how many members will dare give him aid to do what we offered to do without.* My only fear then would be the cry that the C. P. and the S. P. was all one and would be a vast monopoly, &c., *and that is what we must guard against*, and that is one reason why you should be in Washington. I send copy of my letter to Scott on sending the bill ; he sent it for me to fix to suit me. The U. P. people are not yet ready to order steamers.

Yours, truly,

C. P. HUNTINGTON.

(No. 3.)

NEW YORK, November 20, 1874.

FRIEND COLTON: Herewith I send copy of bill that Tom Scott proposes to put through Congress this winter. Now I wish you would at once get as many of the associates together as you can, and let me then know what you want. Scott sent me three copies fixed as he wants them, and asked me to help him pass them through Congress, and if I would not do it as he has fixed it, then he asked me to fix it so that I will, or in a way that I will support it. Now do attend to this at once, and in the meantime I will fix it here and see how near we are together when yours gets here. Scott is prepared to pay, or promises to pay, a large amount of money to pass his bill, but I do not think he can pass it, although I think this coming session of Congress will be composed of the hungriest set of men that ever got together, and that the d—— only knows what they will do. But as Scott's bill proposes to give up the A. and P. land grant (the west end of it), I am not sure that it would not be as well to let the bill stand in that way, we stopping the Texas Pacific at the Colorado river. If we ask to come this side of the Colorado it will be hard to stop the Texas P. from going west of it. I think the Texas P. or some of their friends will be likely to take the ground that the S. P. is controlled by the same parties that control the Central, and that there must be two separate corporations that run roads into San Francisco, and it will be very hard for us to make head against that argument, and I am disposed to think that Colton had better come over and spend a few weeks at least in Washington. Would it not be well for you to send some party down to Arizona to get a bill passed in the Territorial legislature granting the right to build a railroad east from the Colorado river (leaving the river near Fort Mohave), have the franchise free from taxation or its property, and so that the rates of fare and freights cannot be interfered with until the dividends on the common stock shall exceed 10 per cent.? I think that would be about as good as a land grant. It would not do to have it known that we had any interest in it, for the reason that it would cost us much more money to get such a bill through if it was known that it was for us ; and then Scott would fight it if he thought we had anything to do with it. If such a bill was passed I think there could at least be got from Congress a wide strip for right of way, machine shops, &c.

Yours, truly,

C. P. HUNTINGTON.

(No. 4.)

NEW YORK, December 10, 1874.

FRIEND COLTON: Your two letters of November 29th are received. The Texas Pacific bill, as amended by me, is on the way to California. As it is somewhat different in theory from your views, as set forth in your letter, I will not reply to you in detail before you receive the bill. I agree with you that there will no bill pass this session granting such aid as is asked for. I think we must add section to the bill as sent out that will allow, or may be compel us, to build a road to connect San Diego with our line. On account of this legislation I think it important that the S. P. should be disconnected from the Central as much as it well can be. And, as you say, I think it should have a superintendent that does not connect with the C. P., although I think it would be difficult to get another man as good as Towne. I agree with you fully when you say our telegraph superintendent is no good. I sent you on the 8th copy of my letter to Scott. I have just received his reply. I will have copy of it made and sent to you, also my reply before this goes, and will send them with this. This S. P. is an important matter, and should be attended to at once. I am glad you are coming over.

Yours, truly,

C. P. HUNTINGTON.

No. 5.)

DECEMBER 8, 1874.

DEAR SIR :—Herewith I hand you two copies of the proposed bill for your road, with such alterations as I want embodied therein. As it is a hard time for building railroads just now, and as we are all interested in the construction of this road, I trust that these alterations will meet your approval, and that such arrangements will be made as will secure the early completion of the road.

Truly yours,

C. P. HUNTINGTON.
President.

Hon. THOMAS A. SCOTT,
President Texas and Pacific Railway Company, Philadelphia, Pa.

(No. 6.)

TEXAS AND PACIFIC RAILWAY CO.,
OFFICE OF THE PRESIDENT,
PHILADELPHIA, December 9, 1884.

MY DEAR SIR : I have your letter of December 8, and am sorry you took the trouble you have with our bill. We expect to build our road to San Diego, as already pledged to the public to do. We had hoped that it would be to your interest to connect with us at San Gorgonio Pass. Your suggestions are totally inadmissible, and I am rather surprised to have you make them after the many statements you have made to me in regard to this matter.

Very truly, yours,

THOMAS A. SCOTT,
President.

C. P. HUNTINGTON, Esq.,
Vice-President, New York.

(No. 7.)

NEW YORK, January 17, 1875.

FRIEND COLTON: * * * I have received several letters and telegrams from Washington to-day, all calling me there, as Scott will certainly pass his Texas Pacific bill if I do not come over, and I shall go over to-night, but I think he could not pass his bill if I should help him; but of course I cannot know this for certain, and just what effort to make against him is what troubles me. It costs money to fix things so that I would know his bill would not pass. I believe with $200,000 I can pass our bill, but I take it that it is not worth that much to us.

Yours truly,

C. P. HUNTINGTON.

(No. 8.)

NEW YORK, March 25, 1875.

FRIEND COLTON: Your telegram in relation to passenger coaches is received and is having attention. Tom Scott has gone, or is going very soon, over the Texas Pacific road, and so on into Mexico, and I hear of several prominent parties going to Mexico with him. He has commenced to get up his Texas Pacific connected with some Mexican scheme, and I have no doubt but that he will be before Congress next winter in great force, but we ought to be in condition to at least keep him this side of the Colorado river. I have been at work considerable of the time since you left getting up pamphlet in relation to the S. P., giving many reasons why the bonds should be very good, and I think after you have read the book you will take some of the securities. Colburn is putting the facts in a readable shape. I find him to be a very valuable man. Cannot you do something to bring up the gross earnings of the S. P.? They are very small for so much road as is being operated. I think that road should have a first class superintendent. I send with this copy of B. S. Manufacturing Company letter in relation to curtains for sleeping car.

Yours truly,

C. P. HUNTINGTON.

(No. 9.)

NEW YORK, April 7th, 1875.

FRIEND COLTON : Your three letters of April 27th and one of 28th, Nos. 23, 24, 25, and 26, are received. I read your letter No. 25 where it refers to matter here with much satisfaction, as it shows that you understand the whole situation between P. M., O. and O. and U. P. and C. P. Any one fully understanding the position of the different companies would see at a glance that the C. P. is not entirely master of the situation, but I am very well satisfied that if we hold steadily to our purposes and not strain our credit too much we shall finally beat all the wild speculators like Jones and Gould. If I mistake not Jones is a small gun compared with Gould. I have set matters to work in the South that I think will switch most of the South off from Tom. Scott's Texas and Pacific bill. I am having articles written and set afloat in the papers here about O. and O. C. Co., and they make the rounds by being recopied, and as it costs nothing it is a cheap way of advertising. I am also having articles written and published as though written in the places where we buy cars and locomotives, etc., for the S. P. It gives the S. P. some notority without cost. I notice what you say of C. B. stock. If you will read my letters to Stanford, Nos. 510, 521,529, and some others that I do not recollect numbers of, you will have my views. I am often asked by my associates in California about my views in the matters that I have written to the others of, and allow me to say that all letters that I number consecutively I have supposed would be read by all, and then go into the basket together. As to more fifty-pound steel or iron rails, I must say that at the present outlook it seems to me that we have as many contracted for as it is safe to have when we include the cost of buying them.

Yours, truly,

C. P. HUNTINGTON.

(No. 10.)

NEW YORK, May 8th, 1875.

FRIEND COLTON: Yours of 29th April, No. 28, was received. I send with this receipted bill of the six coaches bought of Gilbert, Brush & Co. All the material that I buy here is paid for by the Central Pacific. Some of it, like these coaches, I know are for the S. P., but just whether they are to be charged to the S. P. or the Western Development Company I do not know. Then some other things—say rails—I do not know whether they will go on to the S.P., or not, and you will see the necessity of watching the material as it arrives out, and see that it is charged to the proper company, and when material is ordered if you would let me know to or for what company, I would then see that it was charged here to the proper party.

Yours, truly,

C. P. HUNTINGTON.

(No. 11.)

NEW YORK, May 28, 1875.

FRIEND COLTON: Yours of the 20th is received with newspaper clippings. I do not think Booth made many votes by his Grand Hotel speech. The Governor said—Governor S.—some good things to the *Chronicle* interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress.

* * * * * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 12.)

NEW YORK, September 15, 1875.

FRIEND COLTON: Scott is stirring up the South on his Texas Pacific. Parties are sending me papers every day—some for him, some against him. I have written three letters to-day to different parties in the South on T. P. R. R. matters. I think it is of much importance that we have some rights in Arizona, and if you could get them I think you should do so at once. You know my views, and I had a long talk with Gage on the matter, and if we could get two franchises to run through the State I think we should do so at once. We should not be known in it, but should be sure that we have the control, in black and white, before they become a law. I will write again in a few days. Somehow I have not got my ideas in line yet.

Yours, truly,

C. P. HUNTINGTON.

(No. 13.)

NEW YORK, September 18, 1875.

FRIEND COLTON: Scott is doing all that he possibly can to help him in the passage of his Texas Pacific bill through the next Congress. Scott gets parties to write letters and has them published in the Southern papers. I send one with this as sample. This, as you will see, was written by G. T. Beauregard to Senator Gordon, of Atlanta, Ga. He is making the old fight over again—that it is the Central Pacific that is fighting him in this, and that they (the C. P.) do not intend to let the South have a road if they can help it. Our people in California made a great mistake when they undone what we done last winter to separate these two interests. But I see no way to help it, so we must make the fight under this disadvantage. Simonton has lost much here in his fight against Ralston, and I should not be snrprised if he lost his position with the Associated Press.

Yours, truly,

C. P. HUNTINGTON.

P. S.—Of course I hold that Colton and his friends hold the S. P. Co.

H.

(14.)

NEW YORK, September 27, 1875.

FRIEND COLTON: Yours of the 18th with inclosure, as stated, is received. You must be very busy with all your associates out of the city. I notice by McCarthy's letter to Mr. Crocker that the people of San Diego will join with us if he will agree to to build east from their city, and I am inclined to think we had better do that, as that would strengthen Wigginton very much to have his people ask him to fight for a bill as we want it. Scott is making the strongest possible effort to pass his bill the coming session of Congress. He gets every little gathering in the South to pass resolutions favoring the Texas Pacific bill, then those that the Texas Pacific owes name is legion, and, of course, they are all for it; then he is promising a connection with all the broken-down roads in the South, with a promise of money to help them all if his bill passes, and by some kind of a turn he is settling up with all those that hold him personally, and that is to help him, as it makes his promises worth something with the broken-down fellows that he is agreeing to help. If we had a franchise to build a road or two roads through Arizona (we controlling, but having it in the name of another party) then have some party in Washington to make a local fight and asking for the guarantee of their bonds by the United States, and if that could not be obtained, offering to build the road without any aid, it could be used against Scott in such a way that I do not believe any politician would dare vote for it. Cannot you have Safford call the Legislature together and grant such charters as we want at a cost of say $25,000? If we could get such a charter as I spoke to you of it would be worth much money to us. If there is anything done it must be done quickly. I am very sorry that Sargent is feeling so hard towards us, but I shall endeavor to see him before Congress meets. I have bought the tunnel bolts at three and a half currency instead of nine cents gold, as was being paid by Mr. Crocker when I was in California. I think money is too cheap with you all in California, and that we can be beat in building railroads by those that place more value on a dollar than we do, and I think when any one of us goes to the front in a car that weighs say twenty tons, it adds to the cost of every mile of road that we build thereafter more than $100 per mile. I wish you would let me know who ordered the officers' car that is now running on the S. P. Please let me know what the new transfer-boat cost.

Yours, truly,

C. P. HUNTINGTON.

(NO. 15.)

NEW YORK, October 4, 1875.

FRIEND COLTON: Yours of the 23d and 25th of September, Nos. 68 and 69, are received. I expect to go to Washington next week and I will look into the matter of which you write. That matter of directors has been talked of by the U. P. people and others for some years, and I should not be surprised if the Texas Pacific (Tom Scott's) should annoy us in that way if he could. Sam. Morton was just in and says that he obtained a judgment a few days since against Fremont's old road that was consolidated with the Texas Pacific for $23,000, and that there is other claims against it that Tom Scott promised to pay; and Morton says he has applied for a receiver and is sure to get it in less than ten days if Scott does not pay him his money. I hear something every day of what Scott is doing in the South for his Texas Pacific. I cannot believe that he will get through; but one of our weak points will be having no rights in Arizona under which we can build roads. I am glad to hear that you are getting our finances in a better condition than they have been, and hope with you that you will pay our old friend Cohen what we owe him. Nothing new here. Our matters moving about as usual.

Yours, truly,

C. P. HUNTINGTON.

(No. 16.)

NEW YORK, October 9, 1875.

FRIEND COLTON : * * * It seems to me that we can as well protect the Central by carrying the Mohave branch of the S. P. out 700 or 800 miles from San Francisco, as though we went to Salt Lake, and if we have to build as far east as Salt Lake it should be on some line farther south, where we could connect with something more agreeable than the U. P. I think it very important that we have two franchises to run from the Colorado River through Arizona to the east line of the Territory. Such ones as those I spoke to you of would be very valuable to us. I suppose they would cost less to have other parties than ourselves stand at the front while they are being obtained—that is, if they should be free from taxation and interference with the fares and freight rates. But then after the charters were obtained I think they would serve us best to have if known that they were controlled by the S. P. I am endeavoring to get a combination of interests to build a road from New Orleans to El Paso. I had one party in to-day largely interested in a road on that line running west from New Orleans into Texas (it was El Van Hoffman), and he asked me what right we had to build roads in Arizona. I told him I did not know, but I had no doubt we could get the right if we had not got it. Please let me know how you would build in the Territory at this time if you wished to do so. I received a letter to-day from Washington. It stated that Scott was there a few days ago, and talked very loud about Texas P. That he should surely pass his bill the coming session of Congress.

Yours, truly,

C. P. HUNTINGTON.

(No. 17.)

NEW YORK, October 18, 1875.

FRIEND COLTON : * * * In your interesting letter of the 5th you mention San Diego matters. Now, it is well to switch that people from the Texas Pacific road ; but I would suggest that you keep on asking them what they will do, but not make them any definite proposition, for if you do it will be sent East at once, and I am working with the South and saying to them (and getting some good articles published) that our interest lays with them ; that what San Francisco and California wants is a direct connection with New Orleans and other Gulf ports, and that our interest lays that way, and we oppose the Texas Pacific because we think if it is built it will prevent for many years our getting such a connection, and I have not had any talk with the Atlantic and Pacific for the above reasons. You are mistaken about the directors' car on the S. P. It was built before I was president, and was on the road before I knew anything about it. I was making no particular objection to it, but I thought I would kind of like to know how it came on the road. I am glad to learn, as I do by yours of the 7th, that you are settling for east-bound business in California with P. M. S. S. Co., for they are the —— to do anything with here. As to Oregon matters, we had best keep them with us as long as we can, and I have sometimes thought it would be well to tell them what we would do, as the N. P. people are again in the field, but they will not be likely to hurt any one for some time, unless some fellow should lend them some money ; then that fellow no doubt would get hurt.

Yours truly,

C. P. HUNTINGTON.

(No. 18.)

NEW YORK, November 10, 1875.

FRIEND COLTON : Yours of October 23, 1875, No. 85, is before me. Dr. Gwin is also here. I think the doctor can do us some good if he can work under cover, but if he is to come to the surface as our man I think it would be better that he should not come, as he is very obnoxious to very many on the Republican side of the House, and then there is so many things about our business that he does not know, and he has not the time to learn it before Congress comes and goes. It was very unfortunate that he came over in directors' car with Mr. Crocker. I received a letter to-day from a party in Massachusetts that said that Gorham and Sargent were very much offended because Gwin was, or rather had, come over to look after our interest in Washington. I am, however, disposed to think that Gwin can do us some good, but not as our agent, but as an anti-subsidy Democrat, and also as a Southern man with much influence in the South in showing the Southern people that the Texas and Pacific R. R. is in no way a Southern Pacific road, but a road, if built by the Government, would prevent the Southern States from having a road to the Pacific for many years. But Gwin must not be known as our man. * * *

Yours, etc.,

C. P. H.

(No. 19.)

NEW YORK, November 13, 1875.

FRIEND COLTON: Your dispatch that you had sent $200,000 gold is received. Dr. Gwin left for the South yesterday. I think he can do us considerable good if he sticks for hard money and anti-subsidy schemes, but if it was understood by the public that he was here in our interest it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, etc., to write to R. T. Colburn, of Elizabeth, N. J. I have had several interviews with the Houston and Texas Central Railroad people. This road is built from Galveston to Austin, and is the only live road in Texas. It has a land grant to the west line of the State (Texas) of 4,769,280 acres. It is owned by William E. Dodge, Moses Taylor, W. M. Rice, and other strong men of this city. I saw Dodge a few days since with the view of having them build to El Paso, and we build to that point to meet them. He said he thought they would do it. He said he was opposed to the Government granting any aid to his or any other road. D. has been sick ever since I saw him, so I went to-day and saw Moses Taylor. He said he liked the idea, and that he would talk it up with his people, etc. There will be no Government aid granted this session, and if we can get the H. and T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the east, I think Scott's fish will be cooked. Budd is doing good work in the Gulf States. Has the 70 shares of glass stock been got in? How are you progressing with the machine-shop grounds? I borrowed yesterday $100,000 easy for 4, 5, and 6 months at 7 per cent. No commission. I think I shall take up some 12 months' paper at 12 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 20.)

NEW YORK, November 23, 1875.

FRIEND COLTON: Yours of the 13th, No. 95, is received, and I am glad that you see your way clear to send me $1,500,000 for interest before the 1st of January, as our payments are very large in December, and this fight with the Texas Pacific will hurt us to the utmost that they can in the way of all kinds of false reports. They of course will have some friends in Congress. They will offer resolutions to investigate us, stating that we have forfeited our charter, etc. I was told a few days ago that Scott said he would make us let go of his Texas Pacific. The South are getting very much in earnest in their opposition to Scott's project. I get papers from the South almost every day pitching into him. I have not heard from Gwin since he left.

Yours, truly,

C. P. HUNTINGTON.

(No. 21.)

NEW YORK, November 24, 1875.

FRIEND COLTON: Your dispatch of the 22d, advising of the sending of another $100,000 in gold, is received. Colonel Morton, whom you no doubt will recollect, was in the office to-day, and said he had had a long conference with Bond, V.-P. of the Texas Pacific road, and Morton said some one asked him to find out what I wanted. I said to M. that I did not think the S. P. had any proposition to make; that if the Texas P. had any to make it would be considered, but it was my opinion that no subsidy bill could pass Congress this session, if all the railroads in the country were working for it. I think we shall hear from them again. Do we want to help the bill, even if we were allowed to go to El Paso by the act if it should pass? Crocker was in the office to-day, and I spoke to him about the S. P. sending me a special power of attorney to act for the S. P. before Congress and make any proposition to build the S. P. to meet railroads on this side, etc. Mr. C. said he would attend to it, but I write this to remind him, as he took no memorandum. I want you to make such a proposition as I wrote to you for some days since. I am getting the South well waked up on Scott's Southern-Northern project.

Yours truly,

C. P. HUNTINGTON.

(No. 22.)

NEW YORK, December 16, 1875.

FRIEND COLTON: Your two letters of the 6th, Nos. 109 and 110, are received, with inclosures. I have looked over the two bills that you sent. They are very well, but I do not think that we shall be able to pass either of them, and I am no ways clear that we want to pass the A. and P. amendment if we could, as it would add so much to the work to be done by the S. P. that I think it would prevent our selling a S. P. bond longer than we can afford to wait. I have been trying to amend the Texas Pacific act so as to allow the officers of the S. P. to take an interest in the construction co. that would be likely to build the road, as was thought best to have some of the officers of the railroad co. that were financially strong take an interest in the building co.; and I recollect that it was at one time thought there could not be outsiders found that would take all the stock of the construction co. I shall do what I can to get the Texas Pacific act amended so as to allow the S. P. to build east of the Colorado River, but I much doubt being able to do anything, for if Scott cannot pass his Texas Pacific bill he can do much to hinder us from passing ours. Then the A. and P. will oppose it with what power they have. Then, of course, the U. P. would oppose under cover, if not otherwise; at least I know we should if we were in their place. Then the politicians would naturally be against it, as they would think it would do them good to prevent this grant going to the S. P., as if not it would be likely to come back to the people. I shall do what I can, but you had better make your calculations to build the road east of the Colorado River on what you can get out of the Territories and the road itself. If you expect to get anything in Arizona and New Mexico, I would suggest that you do not do as we did in Utah—wait until the enemy was in possession. Of course you noticed the vote of the House yesterday on subsidies—223 against and 33 for. I was just told that Scott said after the vote that it was no indication that he would not pass his Texas Pacific bill. I have received several letters from Texas in the last few days. They would like to work with the S. P., but are fearful of the Texas P., as I have taken the ground that there would be no Government money aid granted and the United States has no land in Texas, and as the legislature does not meet in Texas until March, so they can get nothing from the State this winter, hence they are disposed to fight shy for the moment; but I think when the Texas legislature meets, the Texas Central Railroad Co. will ask $10,000 per mile of the State from Austin to El Paso, and they have a land grant of nearly 5,000,000 acres.

I have been thinking that it possibly would be well for the S. P. to ask direct' of Texas say $10,000 per mile from Austin to El Paso, and there is a very important land grant from Texas to the Austin and Pacific Railroad Co. I am told that this grants sixteen sections per mile from Austin to El Paso, and they have three years from next May to build the first twenty-five miles. What do you all think of it? I have just bought $40,000 Central paper that had about three months to run at 10 per cent.

Yours, truly,

C. P. HUNTINGTON.

(No. 23.)

NEW YORK, December 22, 1875.

FRIEND COLTON: Your letters of the 11th inst., Nos. 111 and 112, are received; also, your dispatch that you would send $125,000 in gold. You need send more gold for the January interest. I notice the progress on the tunnels; they go slow. I hope the work on that next to the longest one in the Tehachipi will be pushed. I am glad to notice that you are thinking of commencing it soon. What is the exact length of the San Fernando tunnel? I think the doctor will return to California in January. I have just returned from Washington. The doctor (Gwin) was unfortunate about the railroad committee; that is, there was not a man put on the committee that was on his list, and I must say I was deceived; and he was often with Kerr, and K. was at his rooms and spent nearly one evening. The committee is not necessarily a Texas Pacific, but it is a commercial committee, and I have not much fear but that they can be convinced that ours is the right bill for the country. If things could have been left as we fixed them last winter there would have been little difficulty in defeating Scott's bill; but their only argument is, it is controlled by the Central. That does not amount to much beyond this: It allows members to vote for Scott's bill for one reason and give the other—that it was to break up a great monopoly, etc. If these ——— interviewers would keep out of the way, it would be much easier traveling. I send a few clippings.

Yours, truly,

C. P. HUNTINGTON.

(No. 24.)

NEW YORK, December 17, 1875.

FRIEND COLTON: I expect to have a bill ready early next week so amending the Texas Pacific act as to allow the S. P. to build east of the Colorado river; or, rather, will have some changes made in the bill you sent over. The vote in the House the other day will do much good in helping Speaker Kerr in making up the railroad and land committees in such a way that they will not be likely to report in favor of any subsidies. Of course the South were not all for Scott's bill before we commenced working there ; but we have done good work, and I am getting Southern papers every day from the line of his travels that speak right out against the Texas Pacific. See clippings inclosed. The *Railroad Gazette*, in publishing the proceedings of the St. Louis convention, made some mistakes which I have endeavored to correct, as you will notice by copy of letters sent to you. Nearly all the papers here have taken favorable notice of it. I send slips from *World* and *Tribune*. The editor's article in the *Railroad Gazette* I did not see until after its publication. I have looked over Governor Irwin's message ; it seems to be well enough, although not just such a one on railroad matters as I expected.

Yours, truly,

C. P. HUNTINGTON.

(No. 25.)

NEW YORK, March 4, 1876.

FRIEND COLTON : Yours of February 24, No. 142, is received. I have been in Washington most of the time since Congress met, and you say truly when you write that you think I have had a rough fight here this winter. The railroad committee of the House was set up for Scott, and it has been a very difficult matter to switch a majority of the committee away from him, but I think it has been done ; but Scott is very able, and then he promises everything to everybody, which helps him for the day and in this fight, and just what he may yet do I cannot say. * * * And I think it of so much importance that he is not allowed to build a road parallel to ours with Government aid that I shall endeavor to get our bill passed through the Senate this winter if possible (and the House, too). If we only get it through the Senate, and could then get built some road in Arizona before Congress comes together next winter, I think there would be but little doubt we would win the fight. What do you think of it? * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 26.)

NEW YORK, March 22, 1876.

FRIEND COLTON : * * * I am having a very lively fight at Washington, but things do not look bad.

Scott is making a very dirty fight, and I shall try very hard to pay him off, and if I do not live to see the grass growing over him I shall be mistaken.

I am doing all I can to demoralize Scott in Texas. He has got to have legislation in that State to extend time on his land grant or else it is lost to him. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 27.)

NEW YORK, May 12, 1876.

FRIEND COLTON : Your letters of April 29th and May 2d and 4th, Nos. 155, 156, and 157, are received, with inclosures as therein stated. I am very glad to learn that you are able to be out again. Bad time for any of the S. P. party to be sick, as we have fight enough to go round and give each one all he cares for, that is if his wants in that line are anyways reasonable. I sent Hopkins an article yesterday cut from the *Commercial Advertiser;* to-day I met one of the editors, Norcutt ; he told me Scott paid for having it published ; that he would not have let it gone into the paper if it had been left to him, etc. With this I send slip from to-day's *Times*. Just what is to come out of this fight I cannot say, but I expect to live to see the grass growing over these fellows ; but in the mean time we shall be hurt some. I have just learned that the slip from the *Times* (or the matter contained therein) has gone to Europe by cable. Scott is spending money to get these things sent out, and the fight will go on for some time, or at least so long as he thinks by so doing he can make us get out of the way of his Texas and P. swindle, which I do not propose to do. See correspondence with Judge Bell of Texas. I wish you would write on paper that would allow of my filing your letters. From the memorandum sent of the work done and to be done on the Tehachapi tunnels it would seem as though the rails ought to be laid to the summit by July 1st. This evening's papers have just come in and they have a long article about the petition presented to-day by A. A. Sargent, calling for a committee to investigate C. P. C. and F., etc.

Yours, truly,

C. P. HUNTINGTON.

(No. 28.)

NEW YORK, May 28, 1875.

FRIEND COLTON: Yours of the 20th is received, with N. P. clippings. I do not think Booth made many votes by his Grand Hotel speech. The Governor said—Governor S—some good things to the *Chronicle* interviewer; but I think it unfortunate that he should so closely connect the C. P. with the S. P., as that is the only weapon our enemies have to fight us with in Congress. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 29.)

NEW YORK, November 15, 1876.

FRIEND COLTON: I had a meeting in Philadelphia last night with Tom Scott. We meet again here to-morrow. I do not have my own way altogether, but I think that we can agree upon some bill that we can all work for. We shall have to pro rate on through business more than I would like. And I think there should be a bridge company organized (that we are not known in) to build over the Colorado river, at, say, Arrowsbury or any other point on the river, then build at the point where the railroad crosses, under contract with the railroad company. In this way we could tax the through business on this line if we so desired. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 30.)

NEW YORK, December 4, 1876.

FRIEND COLTON: * * * I send copy of the bill, although not altogether agreed to yet. You will notice it allows of a bridge outside of the railroad corporation at the Colorado river; or, as you will see, the road from the west goes to the river and starts from the river to go east; but there must be nothing said about this bridge. If there should be it would kill it, and it is possible we may need this bridge outside the railroad company. * * *

Yours, &c.,

C. P. HUNTINGTON.

A BLACKMAIL BRIDGE.

NEW YORK, December 7, 1876.

FRIEND COLTON: Your letters, Nov. 28 and 29, Nos. 7, 8 and 9, have just come to hand. As to the bridge over the Colorado river, it is a matter that I care nothing about, if you do not. But in fixing up the S. P. and T. and P. matter it occurred to me that we should have to pro rate with the T. and P., as the S. P. would be over mountains and through a country where water and fuel will be expensive. It occurred to me that a bridge with an arbitrary would be well to help us to get what we really ought to have, and protect our interests generally. As I said before, if you don't want it, I don't. * * *

Yours, truly,

C. P. HUNTINGTON.

(No. 31.)

WASHINGTON, D. C., December 20, 1876.

FRIEND COLTON: I am having the roughest fight with Scott that I have ever had, but I hope to drive him into something that we can accept. I should not have much trouble if matters could have been left as we fixed them when you were here, but since some of our people has convinced the public that the S. P. is being built by the C. P., and they have raised the cry of monopoly against us, it makes it very hard for us; but such is life. You must send us considerable money by the 1st of January to pay interest; my being away from New York so much of late has prevented me from making loans there, as money has been hard to get, and Fogg has not been able to renew our paper only to a very limited extent, and we shall have to pay this month, with what we have paid, say $1,800,000. Then, in January, say interest $12,000, and bills payable, $800,000. You must put off your bills and pay-rolls there for two or three months it it is necessary. You had better have it telegraphed as often as you can how you are pushing on the road toward Fort Yuma.

Yours, truly,

C. P. HUNTINGTON.

(No. 32.)

SCOTT AND THE LOBBY.

NEW YORK, October 3, 1877.

FRIEND COLTON: Herewith I send memorandum of bills payable and transactions in September. You will notice the amount to be paid this month is very large, and just how much of it can be borrowed here is uncertain, but much of it, I hope; but a portion will have to come from the earnings of the road in California.

Your letters, Nos. 12, 13 and 14, are received. I shall go to Washington to-morrow night to see about the Colorado bridge. I think it can be fixed, but Scott is doing his very best. There has been, I think, more work done since Congress adjourned for the T. and P. than was ever done before for any interest in the whole history of this country, but if we spend as much money in laying rails east of the Colorado as he spends on his Washington lobby, we shall, in my opinion, surely beat him. I shall do all I can here, but I do not feel as well as I wish I did, and somehow dread the coming fight.

I will endeavor to write you again to-morrow.

Yours, truly,

C. P. HUNTINGTON.

(No. 33.)

NEW YORK, March 20, 1877.

FRIEND COLTON: Your letters of March 7th and 9th, Nos. 33 and 34 are received. I notice what you write in your No. 33 relating to the C. P. sending goods via Chicago. Now, I have no interest as to the route over which this business travels, except it takes the route that will best advance the whole interest of the C. P., which it seemed to me would be best done by our sending a part via St. Louis and a portion via Chicago. There is considerable complaint, which shows itself in Washington, because all the business goes through Chicago and none via St. Louis and Cincinnati, and so we have the same amount for the C. P. It would seem best we divide this business. And as to the time that is made on the northern line, I think you would have no trouble in getting the southern lines to agree to take it via New Orleans that is now taken, and they certainly would have no trouble in filling the contract as to the time.

Scott is at work, and I think doing more than ever before, preparing to put his Texas Pacific through next winter, and possibly at the extra session if there is one. I have little or no fears of his doing anything at the extra session, but if he can convince Congress that the S. P. is controlled by the C. P (and I think with what aid he can get from my associates in California) I believe he can pass his bill to build on the direct line between Fort Yuma and San Diego, and I think I know enough of Washington to know how he can do it.

I have just received telegram from Crocker in relation to daily mails east of Yuma, but of that I will write him.

Yours, truly,

C. P. HUNTINGTON.

(No. 34.)

NEW YORK, May 17, 1877.

FRIEND COLTON: Yours of the 9th, No. 48, is received. What you say about our stopping at Fort Yuma is well, and would be almost conclusive if the S. P. was not owned and controlled by the C. P.; but when we tell Congress we are willing to build this road the answer is always the same. Of course you are to protect the Central, but what the country wants is a competing road. Now, many members of Congress believe all this stuff, and others talk it for reasons that I need not mention here, but, if they are not convinced, think the open highway will satisfy their constituents that they were working for the good of the whole country. When the Texas and P. Co. were asking aid to go through the San Gorgonio Pass, one argument was: We have built a road there with our own money. Will Congress furnish the means for Colonel Scott to go on and destroy property that we have in good faith located? No one would do that. But their proposition now is to build direct to San Diego under the cry of an open highway for the people. I do not believe they can get the aid from the government necessary to do it, but they will not be prevented from doing it because the Central Pacific will do it without aid, but because the country is so generally committed against any subsidy, or because there is some interest fairly invested that would be destroyed by the building the open highway.

We certainly are not prepared to build east of the Colorado river this season. If I have a clear view of what I think ought to be done I will write you.

Yours, truly,

C. P. HUNTINGTON.

(No. 35.)

NEW YORK, October 5, 1877.

FRIEND COLTON: Yours, No. 15, is received. I notice your remarks on our matters in California. I have no doubt there is many things to annoy you. The dispatches about crossing the Colorado come over very well. I think Gould has had as much to do with stopping us on the bridge as Scott has, although I have had no reason for so thinking up to this morning (see clip from *Tribnne*) except Jim Wilson, of Iowa, is their man and has much influence with McCreary.

Secretary of War Wilson was in Washington when the first order went out to stop work on the bridge, and Gould came in twice and Dillon once to tell me that the Secretary of the Interior had his war paint on, and was to attack us in his message, etc. I thought at the time they were trying to cover up something, and rather supposed it was to check us on the S. P.

I met George M. Pullman last night. He told me that he met General Dodge a few days since, and that D. told him that Gould said to him (D.) that he would build as fast from Salt Lake west as we built east of the Colorado. I am disposed to think that you in California have never fully realized how much of a menace to the U. P. was the building of the S. P. east from Yuma, and I am satisfied that we want to so fix the S. P. that the U. P. interest will be just as safe as the C. P. Just how to do it is not so clear, but I am inclined to think we shall have to give the U. P. a one-half interest in all the road east of Yuma, or say ten twenty-seconds of the whole road, and the latter I think they would not care to do and give us what the stock has fairly cost us, which you will recollect, as near as we could get at it, was 20 per cent.; but this is an important matter and has got to be met, as those great interests are only valuable so long as they can be worked in harmony. Talk this matter over and let me have your views.

Yours, truly,

C. P. HUNTINGTON.

THE PRESIDENT CROSS.

No. 361.] NEW YORK, October 10, 1877.

FRIEND COLTON: Yours of September 28th is received, and its contents carefully noted. I shall do all I can, but it is very difficult to keep any money; but I shall do all I can.

I went to Washington night before last and returned last night. I think I have the bridge question settled for the present. I found it harder to do than I expected. The Secretary of War told me that they had had it up in two Cabinet meetings and had concluded not to do anything, as Congress would come together next week; but I got him out of that idea in about twenty minutes. I then saw three others of the Cabinet; then I went and saw the President. He was a little cross at first; said we had defied the Government, &c.; but I soon got him out of that belief. I said to him that we were very much in earnest about building the S. P. I said to him that I had written out after we were given the right to go on and complete the bridge, after being once stopped, that they (you) had better push the work night and day, as we had been stopped once without any reason known to us, and that we might be again, and that I guessed the boys very likely quit work and went to supper, and the military quit at the same time and got their supper and went to bed, supposing the workmen would do the same, but instead of going to bed went back and laid the track across the bridge, so as to be sure and have it so trains would cross before they received any order to quit. The President laughed heartily at that, and said he guessed we meant business. He then said, "What do you propose to do if we let you run over the bridge?" I said, "Push the road right on through Arizona." He said, "Will you do that? If you will, that will suit me first-rate."

Now, I think you had better spend a little money building east from Yuma and have it telegraphed over as often as you can; it will do us much good here.

I would like to hear now and then how the Ione coal is being used.

I have telegraphed to Crocker to have it understood there that the draw was closed by pressure from the people of Arizona, and not saying we had anything to do with it.

Yours, truly,

C. P. HUNTINGTON.

(No. 36.)

HAYES' FALSE REPORT DECLINED.

NEW YORK, October 15, 1877.

FRIEND COLTON: * * * Very likely such a report as Mr. H. would give us would be worth the price he asks; but as the crops are short this year in California, and as what we might call an off-year with us, I am disposed to think we had better let it pass for this year.

I do not think General Sherman telegraphed to any one on this side about the bridge at Yuma.

General McDowell wrote to the Secretary of War recommending that the bridge be put back just as it was when orders were given us to stop. I wish you would get a strong letter from General Sherman that the bridge is in the right place, harms no one, but is of very great benefit to the military, as well as all the interests in Arizona and Northern Mexico, &c. We may need it, as I think it very likely Scott may try to get a resolution through Congress to stop our building in Arizona, and perhaps to stop our crossing the bridge. I send with this a clip from to-day's *Times*. It will not hurt us, although you will notice it has its hit at us.

Yours, truly,

C. P. HUNTINGTON.

(No. 37.)

NEW YORK, June 3, 1878.

FRIEND COLTON: Yours (Nos. 89 and 90) are received. As to rails to lay twenty-two miles on west side of Sacramento River, I wrote Stanford a few days since. Could not get rails. I notice what you say about sale of land on account of Central Pacific; also about building any more road.

I quite agree with you in the main; but all the reasons that ever existed why we should build east of Yuma now exist. Only the one reason why we should not, viz., not get the money, prevents me from urging the extension of that line. I put (something?) in the omnibus bill to kill the T. and P., and I think it will do it. I have received three telegrams to come to Washington to-night. I go.

Yours, truly,

C. P. HUNTINGTON.

These letters tell the story plainly of the hostile position of the Southern Pacific toward the Texas Pacific during all these years, and that it neither had or claimed any rights east of Yuma. But its grasping character was exhibited at the first opportunity, having resolved to build east.

At Yuma only one desirable location for a bridge over the Colorado was found. This the Southern Pacific desire to appropriate, anticipating, what afterward occurred, that the Texas Pacific would attempt precisely the same thing.

This point was in the military reservation, and of course could not be legally condemned or appropriated under its right-of-way act, as that did not extend it any rights on military reservations.

In October, 1876, the Texas Pacific applied to the military authorities at Yuma for leave to break ground on the reservation for the crossing of the river. This permission was granted, but in November following it was revoked.

In April, 1877, the Southern Pacific was given permission to lay its track provisionally through a corner of the reservation, and the open contest between these two corporations began.

The details, as to this reservation, are given in Ex. Doc. 33, 2d session, 45th Congress, in full.

It is enough to state here that the Southern Pacific was successful, under the leave to cross "temporarily a portion of the reservation," in not only building its permanent railroad across it, but in building a permanent railroad, and, through its construction company, a toll bridge over the river, which enables them to do as proposed in letters No. 29, 30, "*to tax the through business of the country*."

This in utter defiance of the War Department, against the positive orders of the Secretary of War.

General McDowell wrote, October 3, 1877: "The post commander was powerless, all the troops having been withdrawn to the field." Nor has it yet ever procured the consent of the Government to occupy this reservation; it has been a continual trespasser to this day.

Failing to procure authority from Congress to build east of Yuma, the Southern Pacific procured charters from the Territorial legislatures of Arizona and New Mexico to proceed and build through those Territories over the line selected by the Texas Pacific; and on commencing its work under these charters, the Texas Pacific invoked the aid of the judiciary. It filed a bill for an injunction and a receiver as to the improvements of the Southern Pacific, and the relief prayed was given; but the Southern Pacific continued its work, paying no attention to the order, and the litigation continued as pending until settled by a decree, entered at the March term, 1882, of the court, not on a judicial investigation, but *by agreement of all the parties*.

On the question as to the relation of these two companies during all the years the two lines were being constructed, your committee do not find a single act performed by either that was not hostile in its character as to the other.

Again, on the question as to whether the Southern Pacific had either the intention of asking or the hope or expectation of receiving a dollar of aid or an acre of land, we find that in the Forty-fifth and Forty-sixth Congresses, as against the request of Mr. Scott for guarantee to his road, statement after statement and argument after argument was made by the representatives of the Southern Pacific that aid of any character was entirely useless and an unjustifiable expenditure of the public money and property.

It was argued by them that their company was practically demonstrating the non-necessity of Governmental aid to the enterprise of building a railroad along the thirty-second parallel by building its own there and without aid, which it neither asked nor desired.

Mr. Huntington, in 1878, wrote:

"If it were once understood that no subsidies would hereafter be granted by Congress, the incomplete gap (between Fort Worth, the western terminus of the Texas Pacific then, and Yuma) would be filled within five years by private capital alone, without asking or committing in any way the national revenues to the work."

Before the Senate committee, in 1878, he said:

"We are ready to construct right along, and willing to provide an outlet to the East for ourselves without cost to the Government."

And again:

"The question before you is whether you will give the Texas Pacific a guarantee of nearly forty millions of bonds for building a road, 200 miles of which is useless, and 600 miles of which we offer to build without aid."

Scores of men in Washington to-day recall the earnest statements of Mr. Huntington, made during the first session of the Forty-sixth Congress, in opposition to the Texas Pacific, that the Southern Pacific could and would build the road without a dollar of aid or an acre of land, if the Texas Pacific was kept out of the way.

In the current daily papers at this date appears a letter from ex-Senator Gordon, explanatory of his course in supporting the Southern Pacific plan of opposing Scott, which your committee deem worth notice. Among other things he says:

"Mr. Scott was asking a guarantee on about fifty millions of bonds. Mr. Huntington, on the other hand, was asking nothing of Congress, either by way of indorsement of his bonds or as subsidy in lands. He asked only to be let alone and allowed to build the road on the same general line, and was actually constructing it without any Government aid. * * * I opposed the Scott bill and favored the Huntington plan. He declared he could and would build the road without a dollar of Government aid or subsidy. *He did it.* He declared he would make the eastern terminus of his lines southern ports and only southern ports. He has done it."

Resuming the history of the case: Failing to get the subsidy desired, the affairs of the Texas Pacific remained in *statu quo* for a time, the Southern Pacific prosecuting the work of building its road vigorously. When Mr. Jay Gould took charge of the Texas Pacific affairs work was rapidly done on the line toward the west in Texas, so that in November, 1881, the Texas Pacific had reached Sierra Blanca, Tex., about 91 miles east of El Paso, and the Southern Pacific fully completed to within a few miles of that point.

On the 26th of November, 1881, an agreement was made between Mr. Huntington and Mr. Gould, representing the two corporations, of which this is an abstract:

It is made between C. P. Huntington on one side, representing the Southern Pacific and the Galveston, Harrisburg and San Antonio roads and their connections eastward as far as New Orleans, and Jay Gould on the other side, representing the Texas and Pacific, including its New Orleans connection, the Iron Mountain, the International, Missouri, Kansas and Texas, and Missouri Pacific Companies. It provides that the tracks of the two systems shall be joined when they meet 100 miles or thereabouts east of El Paso, and both parties are to use the portion between the junction and El Paso on equal terms, the Texas and Pacific reserving the right to run its own trains into El Paso on paying half cost of maintenance, taxes and interest on half cost of construction, $10,000 per mile. Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angeles and San Francisco, although the franchise of the Texas and Pacific was by its charter limited to San Diego; and rates are to be as low between competitive points as by any other transcontinental routes. No discrimination is to be made by the Gould roads for or against any of the termini on the Mississippi or Gulf, either as to rates, time, or otherwise, or among the railroad lines eastward thereof, but east-bound unconsigned business for points reached by them in Northern Texas, Arkansas and Missouri is to be delivered to them at El Paso or the junction, as the case may be. The agreement does not prevent or interfere with the completion of the Huntington road through Texas via San Antonio and Houston, but provides that after its completion the New Orleans and seaboard business thereof shall be divided equally between the two lines and their connection, the Huntington road from Houston to New Orleans being accorded the privilege of using 100 miles of the Texas and Pacific nearest to New Orleans when necessary on the above terms. The two systems of roads intersect and cross each other at Houston, and between this point and Galveston they use the Galveston road, running through trains if necessary. The through business to and from El Paso and the Pacific will be divided on the basis of one-third to the Texas and Pacific and its connections, and two thirds of the line via San Antonio, that being the shortest line.

In consideration for the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco, as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned, in Texas, Arkansas, or Missouri. The usual provision is made for arbitration between any of the parties for the settlement of disputes, and the respective superintendents are to carry out the details of the arrangements as to interchange of traffic and the rates of compensation.

The Texas Pacific relinquishes and will convey to the Southern Pacific its claim to this land grant, right of way, and franchises west of El Paso.

Pursuant to this contract a deed was executed by the Texas Pacific on January 18, 1882, to the Southern Pacific, purporting to convey all the grantor had or could take west of El Paso ; and in March, 1882, in the district court of the third judicial district of New Mexico, the bill of the Texas Pacific, filed and pending to prevent the Southern Pacific from building within the land grant to the Texas Pacific, was amended so as to make the Central Pacific a party to the litigation ; and by agreement of all the parties a decree was entered on stipulation validating the agreement of November, 1881, and the deed of January 18, 1882, and especially that the road named in the decree shall be operated in perpetuity as a single continuous line.

Another important fact is that the Central Pacific Railroad Company now controls and operates all these roads from El Paso west, under leases from the nominal corporations owning them ; it paying for the Southern Pacific of California, $250 per mile per month ; for the Southern Pacific of Arizona, $135 per mile per month and taxes ; for the Southern Pacific of New Mexico, the same rent ; for the bridges over the Colorado and Rio Grande, $1,000 per month each ; and for the Los Angeles and San Diego, $100 per mile per month and taxes. These rents and all operating expense of the line are included in the expense account of the Central Pacific.

From the foregoing facts, none of which were disputed, even before your committee, we draw these conclusions, viz :

That the Southern Pacific was a hostile enterprise to the Texas Pacific until all its road had been constructed to Sierra Blanca, Tex., and until the contract of November, 1881, was consummated.

That it shrank from nothing that tended to defeat the work the Texas Pacific was engaged in, viz., the construction of a competing through line of railroad to the Pacific Ocean.

That while the Southern Pacific was nominally an independent corporation, it was in fact practically the Central Pacific.

That the Southern Pacific was built with the money of the Central Pacific outside of the securities based upon it, and is operated and controlled by it.

That so far as Congress is concerned, the Southern Pacific never had any rights east of Yuma, upon which it could base a claim against the Government, either legal or equitable.

That the Southern Pacific built its road expressly without the intention, expectation or hope of receiving a dollar of aid or an acre of land therefor from the Government.

That by its action it aided in defeating the building of the road contemplated by Congress.

That no attention has ever been paid by it toward making San Diego a terminal point, but, on the contrary, so far as either of these companies is concerned, there is not a railroad within upward of one hundred miles of that place.

That, as suggested in letter No. 29 above, in order "to tax the through business on the line," two bridge companies have been organized, one owning the bridge over the Rio Grande and the other the bridge over the Colorado.

That, in connection with the facts in this report presented, common notoriety shows that the transcontinental transportation question now stands in this condition:

The next route north of this, the Atlantic and Pacific, is controlled by the Central Pacific west of the Colarado and by Mr. Gould east of it.

The Central Pacific and the Union Pacific, with Mr. Gould's connections east of Omaha, control the middle route.

By subsidizing the Pacific Mail, the Central Pacific keeps the water route under control.

The Northern Pacific is not only in a "pool" with the Central, but an agreement has been made between them whereby the territory of the great Northwest has been divided between them as to transportation, as though ownership of the country followed building of railroads into it, subject to which practical assertion of ownership the transportation of freight for the entire Pacific coast is under the control of the few men who adopt as their rule for charges "all the traffic will bear," and who have introduced, for the first time in the history of common carriage and in the only place in the civilized world, the practice of "special contracts," whereby a citizen of the republic, to avail himself of the necessary benefits of the improved methods of transportation by steam and rail equally with those these men choose to favor with reasonable rates of charges, must contract that he will not deal in the property freighted with any but those having like contracts with himself and giving the managers of these corporations the right of espionage over their books and papers, to ascertain the details of their business and whether such contract has been violated.

These are the men who ask *on grounds of equity*, that this vast grant of land, an empire in area, and estimated by themselves at forty millions of dollars in value, shall be given them.

Your committee has had no difficulty in disposing of the claim on the basis of the "equity."

Nor have we been perplexed in solving the question as to the legal right of the Southern Pacific to this grant.

As has been stated, we have had the benefit of legal argument by some of the most eminent counsel in the land, and the claim by this company to the grant on legal grounds may be stated in this way:

By the act making the grant the *title* to the land passed to the Texas Pacific—the act was a grant *in presenti*, with a condition subsequent.

The Texas Pacific, thus being vested with the legal title, although subject to the condition subsequent, which contained, among other things, the building of the road to San Diego and the completing the whole line by May 2d, 1882, and that there should be no consolidation with any competing line, yet the legal title was an assignable interest which could be conveyed, and that by the deed made by the Texas Pacific January 18,1882, to the Southern Pacific, it became vested with the legal title to all the land, and because the Congress did not, in making the grant and coupling with it a condition subsequent, in express terms reserve to itself the power to declare the grant forfeited for breach of the condition if it should not be complied with, therefore no right of forfeiture exists, and the hands of Congress are tied and the Government is powerless to resume the grant by reason of such omission.

In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question, and are not able to find a single authority in support of the proposition, and we believe none can be found.

On the contrary, Washburn on Real Property, vol. 2, 3d ed., p. 15, asserts the rule to be—

"Where the condition of a grant is express there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it."

See also Jackson *vs.* Allen, 3 Cowan, 220; Gray *vs.* Blanchard, 8 Pick., 284; Littleton, sec. 331.

Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

Counsel also urge that, under the law, a forfeiture of a grant is purely a judicial question; one for the courts alone, and that Congress has no power in the matter.

We are of different opinion. It seems perfectly clear to this committee that a declaration of forfeiture is only the act of the grantor, asserting his right to assume the grant, to be exercised at his option, terminating an estate for breach of the condition on which it is granted. The power rests with him ; it is at his option whether he will exercise it or not ; purely a matter of discretion, with the exercise of which the courts have nothing to do, and until it is exercised there is nothing on which the court can act.

When forfeiture is declared and resumption of ownership asserted by the grantor, *then* the court may be invoked to declare whether the right existed or whether it had been effectively exercised ; but the question of forfeiture is with the grantor, personal or legislative, as the grant is private or public, and the judiciary has no jurisdiction whatever until after the grantor has acted to assert his or its right to declare the forfeiture, and then the grantee may invoke the judiciary.

To us this is too clear to be regarded as debatable or needing elaboration.

But the counsel insisted also that if the committee should declare that the right to declare a forfeiture did exist, then the Southern Pacific had the right to the grant on the ground that *it* had substantially complied with the requirements of the act as they should have been performed by the Texas Pacific in the building of *a* road to the Pacific coast ; that while the Southern Pacific was practically a volunteer in the prosecution of the work, not having authority from Congress to undertake and prosecute the work, yet having built *a* railroad along substantially the same line which the Texas Pacific would have followed, and having given the country, by the building and the contract of November, 1881, with the Texas Pacific, a line of railroad to San Francisco, and the Texas Pacific being satisfied, the Government is bound to be, and give them the grant. And in the argument used—the illustration of a reward offered for lost goods, the finder is always a volunteer and entitled to the reward ; that it is immaterial to the loser who finds and restores his goods—they evade the question of the necessity of San Diego being made a terminal point, as well as that that city has been avoided and no road located or built to it by them, or in which they are interested.

But waiving the question of full performance, has this last claim a basis in the law ?

Before the claimant company can be held to be entitled to this grant it must be found that the conditions of the grant have all been complied with by it or its grantor ; that it is the legal "successor and assign" of the Texas and Pacific, and also that such succession is not the result of a combination or consolidation with the Texas and Pacific "by rival or and competing through line of railroad to the Pacific Ocean."

Neither of these propositions can be held in favor of the claimant here. The Southern Pacific is not the "successor and assign" of the Texas Pacific. These words have a well-defined significance, and when used in connection with a corporation, sole or aggregate, have *invariably* been held to be words of limitation, like the word "heirs" in a conveyance to an individual.

The successors of a corporation correspond to the heirs of a natural person. (Burrill's Law Dict., title Successors ; Bouvier's Law Dict.; Angell & Ames, Corp., sec. 192 ; 2 Kernaw Rep., 129.)

We confidently assert that not a case can be found (except the Attorney-General's opinion in the N. O., B. R. and V. case) where the words "successors and assigns" are used as applied to a corporation, when that body simply succeeds by purchase or contract to a part or all of the assets of another corporation, but not including its franchise or right to exist as a corporate body. No construction is better settled in the law.

The Southern Pacific simply asserts a right under a deed from the Texas Pacific as grantee of what is assumed by both to be part of the assets of the Texas Pacific, but the granting corporation, the Texas Pacific Company, still exists and remains, with all the vitality and activity it ever possessed as an artificial creature, losing none of its identity, although by this contract it attempts to divest itself of part of its powers and a portion of its tangible assets. But the Southern Pacific is simply the vendee or grantee of the Texas Pacific as to the items named ; this and nothing more. The Texas Pacific cannot so exist and at the same time have an existing "successor." In a case like this a very clear distinction is to be taken between legally succeeding to a portion of a property of a corporation as vendee or grantee and being the legal "successor" to the corporation itself. Mere privity by contract alone will create the first, but creation or selection by public authority and an entire legal substitution of person is necessary in the latter case. In this case Congress passed the act for the express and avowed purpose of causing the construction of a short and competitive route along the thirty-second parallel from the Mississippi to San Diego Bay. The points which were to be connected, as well as the corporation which should perform the work and be the recipient of the bounty of the government for the performance of the work, were all determined by Congress and expressly named.

The position of the transcontinental line, Central and Union Pacific, was well understood by the people and their representatives in Congress then, and too recent now to require a restatement. Railway communication between the oceans was an absolute necessity, but the extortions and discriminations of the Central and Union Pacific (and apparently beyond the power of their creator to prevent) caused an urgent demand on the part of the people for another and a competitive route across the continent. To provide this the act of 1871, attempted ; the terminal points were fixed ; the bay of San Diego named as a western terminus of this to be grand line, and work to be begun simultaneously at either end and rapidly prosecuted. San Francisco was by section 23 to be connected with the new road only ; not to be a terminal point as it now is. The road was contempleted to the ocean at San Diego, with a branch to San Francisco. This is clearly a substantial requirement.

In every section of the act clearly appears the expressed intention that the Texas Pacific Company shall prosecute the work. This company is organized, and for the clearly expressed purpose, as stated ; *this* company may purchase stock of other companies, or may consolidate, but not with any competing line, but all such purchasers and consolidations should *vest the property in the Texas Pacific Railway Company*. *This* company was to file maps, to build and complete the road and telegraph line, to execute mortgages, &c., and (section 17) the Texas Pacific Company to construct the road within ten years. Nowhere does it appear, even by implication, that any other party, *by privity of contract merely*, should have any rights in the matter, either to perform the conditions imposed or succeed to any of the privileges conferred. The Texas Pacific was to be a competitor to the other lines across the continent, as well those projected as completed ; and so everything shows that Congress intended that the corporation it created for the purpose, or its legal successors, should perform the duties, afford the facilities, and receive the benefit provided for by this act. It must be kept in mind that the Southern Pacific had no authority, direct or implied, from the United States to do any act east of the Colorado ; it was only authorized to connect with the Texas Pacific at or near the Colorado, for the purpose of connecting San Francisco with the new route ; there and at that point its power ceased so far as Congress was concerned. All that it has done since was at its own instance: it was not induced by the land grant to build east of Yuma; the Government did not request it, but did all in its power, in its feeble way and with the small military force at its disposal, to prevent the occupancy of the Yuma Reservation and the Colorado River, but unsuccessfully; it pursued its course as a rival road to the one chartered by Congress and for the purpose, now clearly apparent, of defeating the expressed will of the people for a competing road across the continent, by securing for itself, in connection with the Central Pacific, the entire control of the vast and increasing transcontinental transportation. The claim of the Southern Pacific to be treated as a successor of the Texas Pacific under the law is based solely on the fact that it has succeeded as a rival to the Texas Pacific in building a road where the Texas Pacific proposed to build one; preventing the Texas Pacific from accomplishing the object of its creation, and in return for a concession of part of the freightage of the future, and an agreement not only to compete, but not to extend lines to the injury of the other, the Texas Pacific assumed to convey what it never had the least right to control, either legally or equitably, and the Southern Pacific asserts a clear right as grantee to what its grantor had not the shadow of a subsisting claim, and as to which it has put beyond itself the power to ever earn or claim. San Diego was named as a terminal point by Congress, and for very obvious reasons. The Central Pacific reached San Francisco, and the natural depot and entrepot for the proposed competitive line on the Pacific would be San Diego; not a railroad is within 100 miles of it, except on paper, now, so far as these companies are concerned, and all the benefits conferred by the road taken to San Francisco and made to inure to the benefit of the company it was to compete with. The facts which we state in this report show that the Southern Pacific is in fact the Central Pacific, practically the same directory in both, the former operated under a lease to the latter ; all the expenses charged in the account of the Central Pacific. These claims might equally as well be made by the Central Pacific by name as by the Southern Pacific. The same logic that would justify granting this application would compel doing the same act for the Central Pacific if it had performed the acts done nominally by the Southern Pacific. The difficulty with the reasoning of the counsel for the applicant is, that they assume that all that was contemplated by Congress was that *a* railroad should be built along the 32d parallel, and that it is absolutely immaterial who or what company builds it, or what the relation or bearing of the builder may be toward the people or the question of transportation. So that the company named in the granting act is satisfied, either by compulsion or purchase ; in effect making the latter company the agents of the Government to bestow a gratuity upon the corporation which had defeated not only the company appointed by Congress to do its work, but Congress itself. This is required, and must appear : that the railroad contemplated by the granting act shall be built or procured, and by the designated party or its legal successor, one which stands in its place and stead, under the restrictions and provisions of the granting act ; and if purchase or consolidation be attempted or effected, *that the corporation designated by Congress shall be the major factor in the case ;* that it shall absorb the others, and be the owner of the "corpus," and not, as in this case, when the process has been reversed. The act provides a grant for "aiding in the construction of *the* railroad and telegraph line herein provided for," etc., not a railroad constructed by the Central Pacific or the Union Pacific, or the Atlantic and Pacific companies, or either of them, but by a company it created, its successors or assigns, as a competitive line.

Again, while counsel waived argument upon the question before us, we submit that the condition in the grant prohibiting consolidation with rival or competing lines has been absolutely violated by the Texas and Pacific in the making of the contract of November, 1881.

Practically and legally, so far as it affects the public or the question of transportation, that contract was one of consolidation, and with a rival hostile line. It provides for traffic arrangements, a pool of receipts, a perpetual user, an absolute community of interest, an agreement not to construct parallel lines, and a surrender of all rights and franchises beyond the connecting point, so far as it was possible for the Texas and Pacific to surrender and convey.

Looking over the whole case, then, we find that Congress organized a particular corporation for an avowed, specific purpose; agreed to give it 15,000,000 of acres of land, if within ten years it should build its road from Marshall, Tex., to San Diego Bay as provided.

Congress prohibited it from making any arrangements with others which would destroy its own identity, or interfere with the proposed or expected results.

Congress provided that in any consolidation it might make or contracts with regard to property rights, the property acquired, rights secured, or consolidation effected, all should be the property of the Texas and Pacific.

This company has not accomplished a single object for which it was created.

It has never been in a position or condition in which it could perform, or even attempt to perform, substantially, one single act required of it.

It never reached a point nearer than 90 miles of where it could earn an acre of ground; it was never in sight of the "promised land."

Failing to do any act it was bound and required to do, it attempted to do every act possible which it was prohibited from doing.

Organized to build across the continent, it solemnly bound itself with its rival and enemy never to attempt to do it. Created to compete with the Central Pacific, it makes a perpetual alliance with it, and a perpetual pool as to charges and rates. Established to promote a healthy, beneficial competition, it bargains away, so far as it is able, its franchises, or right to exist as a corporation in all the territory where Congress had sole jurisdiction, and parceled out as suited the convenience of itself and its opponent the carrying trade of one-third of the territory of the Republic. Given life for a special purpose, it uses every means within its power to defeat the object of its creation, and, as a fitting climax to all this iniquity, it endeavors to supplant Congress as a donor of the public domain, as a part of the transaction which was its own suicide. The Southern Pacific claims to "stand in the shoes" of the Texas and Pacific.

Your committee agree that "standing in the shoes" would do if the Southern Pacific *filled the shoes*. But it does not.

It never had authority or recognition by Congress east of Yuma. All its attempts before Congress to secure recognition there have repeatedly failed as made. For its own purposes, at its own instance, in its own way, by methods which many honest, good men have denounced, greedy to embrace all the land with its network of rails, to secure monopoly of transportation, surmounting opposition and beating down all obstacles in its way, and in doing so crushing the agent Congress had selected as the instrument to build a road there, doing nothing, absolutely nothing, by the governmental authority or assent even, and having succeeded in defeating a necessary work and rendering absolutely abortive the attempt to have one competing transportation route to the Pacific built, it cooly asks Congress to bestow upon it fifteen millions of acres of land, to give it the ownership of an area sufficient for perhaps one hundred thousand homes as a reward for that result.

So your committee report the accompanying bill with the recommendation that it pass, suggesting here that it may not be improper to adopt the same rule as to Mr. Huntington that he proposed as to Mr. Scott in his letter of November 8, 1874, No. 2, above, "but if Scott kicks at it, I propose to say to Congress, 'We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare to give him aid to do what we offered to do without.'" We will plead guilty to a curiosity to see how many members of this House will "dare to vote" to give this grant to him now, for doing what he then proposed *to do* and *did* without aid or promise of any. We are confirmed in our conclusion by the action of the Judiciary Committee of the House of the Forty-seventh Congress, where, as we are advised, fourteen of the fifteen members of that committee concurred in the opinion that the Southern Pacific Railroad Company had neither legal nor equitable claim to any part of the grant, and that under the decisions of the Supreme Court of the United States action on the part of Congress is necessary to restore this land to the public domain. No legal rights can be divested or lost by the proposed action, and whatever legal rights exist can only be ascertained after forfeiture.

We ought, perhaps, to apologize for the length of this report; but the interests are so vast, the value of the property so great, the claim of the railroad company insisted upon with so much zeal and apparent candor and earnestness, and, moreover, this being the pioneer case in the list of proposed forfeitures of lapsed land grants to railroads before this Congress, we have thought it not inexpedient to thoroughly canvass the questions presented, although subjecting ourselves to the charge of prolixity.

A BILL to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March third, eighteen hundred and seventy-one, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

SEC. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section one of this act, whenever the Department of the Interior, or its officers, or the local land officers, have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land officers, in permitting such entries, selections, and purchases, in making such sales and in issuing patents, certificates, and lists thereon, are hereby ratified and validated ; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior, the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead enteries or pre-emption settlements or claims of any kind upon any of said lands, under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made ; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

H. R. 181.

To declare forfeited certain lands granted to aid in the construction of a railroad in Oregon and to enforce the same by judicial proceedings.

Passed House June 4, 1884. In the Senate received June 9, 1884, and referred to the committee on public lands March 7, with amendment. No vote taken.

H. R. 180.

To declare forfeited certain lands in the State of Michigan to and in the construction of a railroad, and to enforce the same by judicial proceedings.

In the House March 5, 1884, reported from the committee and referred to the House calendar. No vote taken.

H. R. 5682.

To repeal section 22 of the act to incorporate the Texas Pacific R. R. Co., approved March 3, 1871 ; and to declare a forfeiture of the land grant therein made, and for other purposes.

In the House, June 26, defeated.

H. R. 6408.

To forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon in said State. No vote taken.

H. R. 6416.

To provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas. No vote taken.

H. R. 6534.

To declare forfeited certain lands granted to aid in the construction of the Northern Pacific R. R. and for other purposes. No vote taken.

H. R. 7162.

To forfeit the unearned lands granted to the Atlantic & Pacific R. R. Co. and to restore the same to the public domain. Passed House June 9, 1884.

In the Senate, July 3, amended and passed Senate. No conference between the two houses had.

H. R. 7238.

To restore lands held in indemnity limits for railroad and wagon road companies and for other purposes. No vote taken.

H. R. 7299.

Forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State and for other purposes. Passed House June 20. In the Senate, June 21, received and referred to the Committee on Public Lands. No report made.

H. R. 7495.

To declare forfeited certain lands granted to aid in the construction of a railroad from Portland in Oregon to the Central Pacific R. R. Co. in Cal. No vote taken.

Foreign Land Owners.

The following table shows the amount of acres held in vast estates by foreign, absentee, landlords:

The Holland Land Company, New Mexico	4,500,000
An English syndicate, No. 3, in Texas	3,000,000
Sir Edward Reid and a syndicate, in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshal & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Bryan H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M.P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M.P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Bros.) Wisconsin	110,000
M. Ellerhauser, of Halifax, Novia Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A Boysen, Danish Consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

Unlawful Fencing of the Public Domain.

Space does not permit an account of the manner in which wealthy owners of large cattle ranches, many of them foreigners, have been permitted by the present administration to unlawfully fence in the land belonging to the Government.

Among the cases of unauthorized fencing specially reported to the Land Office by agents are those of the Prairie Cattle Company, embracing upwards of 1,000,000 acres; the Arkansas Valley Company, 1,000,000 acres; H. H. Metcalf, 200,000 acres; John W. Prowers, 200,000 acres; McDaniel & Davis, 75,000 acres; Routchler & Lamb, 40,000 acres; J. W. Frank, 40,000 acres; Garnett & Langford, 30,000 acres; E. C. Tane, 50,000 acres; Lewesey Brothers, 150,000 acres; Vroomer & McFife, 50.000 acres; Beatty Brothers, 40,000 acres; Chick, Brown & Co., 30,000 acres, and Reynolds Cattle Company, 50,000 acres, all in Colorado. Brighton Ranche, 125,000 acres; Coe & Carter, 80,000 acres; J. W. Wilson, 25,000 acres; Kennebec Ranch, 40,000 acres, and J. W. Bosler, 20,000 acres, in Nebraska. William Humphrey, 25,000 acres, and Nelson & Son, 20,000 acres, in Nevada.

Whole Counties Appropriated.

Entire counties are reported as being fenced in Kansas. In Wyoming more than one hundred large cattle companies are reported as having fencing on the public lands. Some of these companies are reported to be English and others Scotch.

It is estimated that between 5,000,000 and 6,000,000 acres of public land are now illegally fenced, and that several millions of acres are fraudulently entered.

Relative to the fraudulent entries of land, a land agent in New Mexico informs the General Land Commissioner that of the entries in that Territory ninety per cent. are fraudulent, and another agent in Dakota, writing upon the same subject, says that seventy-five per cent. of the entries are fraudulent in that Territory. The following table shows the number of fraudulent entries that have been investigated during the past year, and approximately the number of illegally fenced acres in the various States and Territories:

States and Territories.	Fraudulent Entries.	Acres Illegally Fenced In.
Arkansas	70	......
Dakota	460	......
Colorado	808	2,800,000
California	139	......
New Mexico	827	1,500,000
Minnesota	311	......
Washington Territory	109	......
Idaho	92	......
Nebraska	170	300,000
Montana	24	Not investigated
Wyoming	10	250,000
Alabama	153	......
Wisconsin	10	......
Florida	71	......
Oregon	83	......
Kansas	182	200,000
Nevada	...	60,000

Besides the cases embraced in the foregoing table there are about five thousand entries on which action has been suspended until an examination can be made by special agents.

J. W. McFarland, of Harper, Kan., writes to the Land Office:

In the name of God I ask is this a republican form of government, when the poor man, with barely enough to keep soul and body together and pay for his 160 acres of land must pay the taxes of the country and the cattle king go free. If so, I was a big fool to spend three years of my life to defend such a country.

In the State of Colorado alone the administration of the law has been so lax that 2,157,000 acres of Government land have been illegally fenced in. This would provide homesteads for 13,481 heads of families, and could maintain easily a population of 75,000 people. The following is the table :

	ACRES.
Leivesy Brothers, Pueblo and Fremont Counties, R. 66 and 67, T. 20 and 21	150,000
J. W. Frank, Pueblo County, R. 65 and 66, T. 20 and 21	40,000
M. Stute, Pueblo County, R. 65, T. 13 and 19	20,000
E. C. Tane, Pueblo County, R. 63 and 64, T. 19 and 20	50,000
Garnett & Langford, Pueblo County, R. 62	30,000
A. D. Carpenter, Pueblo County, R. 62 and 63	20,000
John Ross, Pueblo County, R. 61 and 62	20,000
John Herchberger, Pueblo County, R. 60	10,000
Crook & Carlisle, Pueblo County, R. 59 and 60	10,000
McDaniel & Davis, Pueblo County, R. 60 and 61	75,000
Rantchler & Lamb, Pueblo County, R. 60 and 62	40,000
John W. Prowers, Bent County	200,000
Prairie Cattle Company, Bent and Las Animas Counties	100,000
Arkansas Valley Cattle Company, Bent and Las Animas Counties	1,000,000
Vrooman & McFife, Bent County	50,000
J. W. Swink, Bent County, R. 56 and 57	10,000
Hopkins & Bingham, Bent County	30,000
Beatty Brothers, Bent County	40,000
J. W. Patton, Bent County	5,000
H. Bert, Bent County	5,000
A. C. Poke, Bent County	3,000
J. L. Metch, Bent County	5,000
James Pratt, Bent County	3,000
H. Thompson, Bent County	2,000
Reed & Foster, Bent County	2,000
Ed. Wah, Fremont County	10,000
William Gorman, Fremont County	2,000
Witcher Brothers, Fremont County	20,000
Reynolds Cattle Company, Fremont County	50,000
A. Steel, Fremont County	10,000
Ed. Burnett, Fremont County	5,000
Henry Berris, Fremont County	20,000
Freeman Brothers, Pueblo and Fremont Counties	20,000
R. Pope, Fremont County	2,000
G. E. Phillips, Fremont County	2,000
James Errers, Fremont County	2,000
B. Berry, Park County	25,000
B. Hammond, Park County	2,000
W. R. Smith, Park County	15,000
Early Brothers, Park County	12,000
J. Mulock, Park County	20,000
J. Simms, Park County	10,000
Thomas Robbins, Park County	10,000

The Democratic party, in convention assembled, pledges itself to the preservation of the public lands for actual settlers. Its record in Congress has been given, and shows a determination to exact the forfeiture of all unearned lands granted to railroads. Upon this vital question, as upon all others, it is, not by profession merely, but by practice, the true anti-monopoly party.

Protection of Labor.

Labor Bills.

The action of the House of Representatives of the 48th Congress on questions affecting the material well being of workingmen was highly commendable. One of its first acts was to constitute a Committee on Labor to consider and perfect such measures for action. And this action is in marked contrast with the refusal of the 47th Congress to create such a committee. It is well known that representatives of the leading labor organizations applied to Speaker Keifer for the creation of a Committee on Labor, and, failing in that, for the appointment on the committee, to which what are known as the labor bills would be referred, of members known to be familiar with the wants and in sympathy with the wishes of workingmen. No Committee on Labor was created by the Republican Congress, nor were the members suggested appointed on the committee having the bills in charge. As above stated a committee on labor was created by the present Congress and men appointed on it who were known as friends of the workingmen, among them being Mr. Hopkins of Pa., Mr. Foran of Ohio, a cooper by trade, Mr. Lovering of Mass., formerly an operator in a shoe factory, and Mr. O'Neill of Mo., well known as an eloquent advocater of the rights of workingmen. From this committee were reported, 1, the bill to establish a bureau of labor; 2, the bill to prohibit the importation of foreign labor under contract; 3, the bill to enforce the eight hour law; 4, the joint resolution declaring in favor of the employment of residents and citizens of the U. S. in the Construction of the public works of the governmant; 5, the joint resolution proposing an amendment to the Constitution of the U. S. prohibiting any State from contracting with any person or corporation to hire or contract out the labor of prisoners; 6, the bill for the abolition of the contract labor system, so far as the prisoners of the U. S. are concerned; and 7, the bill granting leave of absence to the employés of the Government Printing Office. The bill to grant leave of absence to letter carriers, the bill to make effective the act prohibiting the importation of Chinese laborers, the bill to prevent the unlawful occupancy of the public domain, and various bills to forfeit unearned land grants were reported from other Committees of the House.

Of these measures the bill to establish a bureau of labor because a law, and is in the words following :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of the interior a Bureau of Labor, which shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the consent of the Senate. The Commissioner of Labor shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of three thousand dollars a year. The Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior, upon the recommendation of said Commissioner, shall appoint a chief clerk, who shall receive a salary of two thousand dollars per annum, and such other employees as may be necessary for the said Bureau : *Provided*, That the total expense shall not exceed twenty-five thousand dollars per annum. During the neccessary absence of the Commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of the Commissioner. The Commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Bureau.

Approved, June 27, 1884.

The bill to prohibit the importation of foreigners and aliens under contract to perform labor in the United States, passed the House, June 19, 1884, by a vote of 102 to 17. The report accompanying the bill says

"The bill in no measure seeks to restrict free immigration. Such a proposition would be, and justly so, odious to the American people. The foreigner who voluntarily and from choice leaves his native land and settles in this country with the intention of becoming an American citizen, a part of the American body politic, has always been welcome to our shores. As a recent writer well said—

> Such an immigrant by his coming to this country gives us a certain assurance as to his ability to take care of himself, and to hold up the standard of social well being which he finds already existing among our working classes.

Such an immigrant comes here because the institutions of the country are in consonance with his social and political ideas, and because of the advantages and opportunities afforded by the extent of our domain and its material resources. He comes to better his social and financial condition, to take advantage of the facilities which he finds here; and as he comes of his own volition, by his own means, and from choice, he always exacts for his labor the highest rates which the market affords. No one is injured by his coming, and as he generally makes a good citizen, the State is benefited by the acquisition. These immigrants are generally of a higher class socially, morally, and intellectually, and have aided largely in the development of our industries and the material progress of our people. With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the immigration or rather the importation of an entirely different class of persons, the immigrant who does not come by "his own initiative, but by that of the capitalist." It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration. This class of immigrants care nothing about our institutions, and in many instances never even heard of them ; they are men whose passage is paid by the importers ; they come here under contract to labor for a certain number of years ; they are ignorant of our social conditions, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. Being bound by contract they are unable, even were they so disposed, to take advantage of the facilities afforded by the country to which they have been imported. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body politic. When their term of contract servitude expires, their place is supplied by fresh importations. The inevitable tendency of their presence amongst us is to degrade American labor and reduce it to the level of the imported pauper labor.

The demand for the enactment of some restrictive measure of this character comes not alone from American workingmen, but also from employers of labor in America. The employers of labor, who from inability or from patriotic motives, employ only American workingmen, are unable to compete in the market with the corporations who employ the cheap imported labor.

As an evidence of the truth of this proposition, the glass manufacturers of Pittsburgh, including all the large employers of labor in that industry, in January, 1880, denounced the action of the manufacturers west of Pittsburgh in importing European workmen in place of discharged American workmen.

This evil has become so extensive, alarming, and great, that the attention of our foreign consuls has been directed to it.

Henry Sterne, Esq., United States Consul at Buda-Pesth, Hungary, says ·

> There seems to be an agency at work, which by misrepresentations induces people to leave their homes who will not better their condition thereby, nor benefit the country which receives them. People inquire by letter and in person at this consulate about this agency of which they have heard or read. Some even claim that this consulate has instructions from the United States Government to assist people in immigrating. I am under the impression that the United States Government does not approve of immigration brought about by such irregular means, and of the character described, and, therefore, beg leave to suggest whether steps could or should not be taken to correct the evil, if I may be permitted to term it such. *I have information that agents are managing the business a good deal in the manner of the Coolie trade*, and THAT THESE IMMIGRANTS ARE SHIPPED TO THE UNITED STATES ABOUT LIKE SO MANY CATTLE. (See State Department Report 1881–82.)

Count Esterhazy, an intelligent, cultivated Hungarian, at present Austrian consul to this country, who has established a bureau for the protection of Hungarian immigrants, says :

> There is no doubt that a contract system is being carried on, and I believe it has reached larger proportions than any one believes. Certain it is that great numbers of immigrants are landed on these shores *who are owned by capitalists.* As far as I know, persons who have been so imported are satisfied; but this fact does not apologize for the system. I have long endeavored to discover who the parties are who obtain the immigrants on the other side, but have thus far been unsuccessful. I certainly hope that Congress will pass some law to put a stop to such immigration.

Superintendent Jackson, of Castle Garden, says, speaking on this subject:

I have no doubt that this system is carried on to a great extent by corporations in this country who have their agents abroad. Every now and then large gangs of laborers arrive, all bound for the same town. They are generally taken in charge by some person or persons who come here to meet them. Some few weeks ago a party composed of about sixty Irish and German girls arrived, all of whom were going to one of the large silk manufacturing establishments in New Jersey. I do not know whether they had contracted with any persons, but presume they had done so. No one will undertake to send persons to this country free of charge without some guarantee that certain services will be performed in lieu of the price of such passage. We have never received any complaints from the persons who have been imported here, but nevertheless I have no doubt that such a slavery system is being carried on.

Mr. Tuke, of the Tuke immigration committee of Great Britain, a short time ago wrote a letter to the London *Times*, and after referring to the immigrants whose passage had been paid to America from the Tuke fund, said: "Many instances are cited in which immigrants are returning their passage money." Whether they had done so because they had been transported under agreement or contract to perform labor here, and were to a certain extent compelled to return their passage money, does not appear, but it is more than probable that such was the case. In one year (1883) this Tuke immigration committee "assisted" or rather transported 3,600 persons to the United States. It is more than questionable whether these assisted immigrants, even if they do not come under contract, are a desirable acquisition to our population. This government is certainly under no moral obligations to care for and maintain the pauperized victims of the misrule and tyranny of foreign powers, whether brought here by contract or by the monopolies of America, or assisted here by the governments whose policy reduced them to pauperism.

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh; they are, as a rule, engaged in the "banking business," but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated, in answer to an inquiry, that during the time they had been in business, *fourteen thousand Italians had been brought to this country under contract, six thousand of whom had returned to Italy.* It was further stated that they had agents at Naples; that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount, the imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car load, cars being chartered for that purpose. The men receive from the American companies from $1 to $1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company in Linlithgow, Columbia County, New York, had in June, 1883, a large number of Hungarian laborers employed at *one dollar per day;* they were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen to glut the market and thus depress wages.

The testimony of those who have observed the habits of these men imported under contract is uniform as to their habits. "In respect to economy and frugality they greatly resemble the Chinese. One of them will walk miles, if necessary, to a butcher's shop and carry off thankfully the offal and refuse given them. The women assist the men, and do fully as much work. Children of both sexes not more than five years of age assist their mothers in loading the coke cars. Nearly everything they eat is boiled in a pot brought from Hungary. As many as forty are known to live in a single hut of two small rooms."

Free American workingmen, with American ideas, culture and intelligence, cannot possibly compete with these people. The situation is essentially parallel to that which induced Congress to prohibit the importation of the Chinese. Italians and Hungarians are now brought to this country in precisely the same manner that the importation of Chinese was begun seventeen years ago. The Chinese were brought to California under contract and then hired out to the Union Pacific, Central Pacific, and other railway companies. Italians have been brought here in the same way to work for the Nickel Plate, Ohio River, and other railway companies in the Eastern, Southern, and Middle States. If it became necessary to protect the American workingmen of the Pacific slope from the disastrous and debasing competition of Coolie labor, the same argument now applies with equal force and pertinency to the importation of pauper labor from Southern Europe.

The extracts from the able report of Mr. Foran which have been quoted show clearly the gravity of the danger threatening American workingmen and the imperative need of legislation for their protection. The following resolution was adopted by the Window Glass Manufacturers' Association held at West End Hotel, Long Branch, July 11, 1883 :

On motion of Mr. Gorsuch it was resolved, by a vote of 13 to 8, that the treasurer be authorized to pay a sum not exceeding thirty dollars per man for each blower or gatherer brought over from Europe after August 1, 1883, provided the same be employed by some member of this association, and provided they are not workmen who have been in this country within the twelve months last past.

Appended to the report is a summary of the testimony taken by the committee, extracts from which are here given :

Mr. T. V. Powderly, of Scranton. Pa., master workman of the Knights of Labor of the United States, representing 500,000 workingmen who are interested in several bills which are before Congress, testified as follows:

"I am interested in the eight hour law, the land bill, and bill on imported labor under contract introduced by Mr. Foran. These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken.

The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West. A demand is now going up for an amendment of the Chinese bill in such particulars as it has been shown deficient."

William Leach, of Malaga, N. J., of the W. G. W. A., said:

"I was at Malaga last year when certain Belgians were brought to that place. It was our duty to find out from them if the situation of affairs at Malaga had been made known to them before they came, or whether it had not been misrepresented to them. When we attempted to obtain this information the company had thirty-five of us enjoined by the courts from interfering with them. The window glass workers were ordered out of their homes in midwinter and compelled to move. Last spring we went to work, the Belgians in one factory and the citizens in another. They have since left Malaga, the firm having changed managers."

Emile Bouillet, of Zanesville, Ohio, W. G. W. A., said:

"I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied 'that men were scarce and work plenty in the United States.' I told him we would expect the same wages paid in the United States. He said 'they would pay the New York tariff.' When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation and they answered that 'they did not authorize the payment of more that what they were then paying.' At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workingmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived, a friend of one of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English; I answered that 'my father and I could.' He then warned us not to talk to the men."

Question by member of committee. What is the difference between the wages paid these foreigners and Americans?

Answer by John Schlicker. Between 28 and 50 per cent.

Question. Did any of these people show a disposition to become citizens?

Answer. I think not.

William F. Barclay, representing the miners of the coke region of Pennsylvania, said:

"We have a great many of these so called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children, employed forking coke and working about the ovens; the children poorly clad, of every age ranging from five years upward. They do not work on Sunday. To illustrate how they live: A yard boss, who went to get men to work, got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

"I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home; even when sick they go to the poorhouse, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun, that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining, and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justness. The condition of the miners and cokemakers generally is aggravated by the company stores which abound in the district. I priced potatoes before I left, and could have bought them of an outside dealer for fifty cents per bushel, while the price in the company stores is eighty cents per bushel. If the men do not deal in the store they are discharged.

"I never met one of these Slavonians who could speak English. We tried to organize the men to enforce the statutes of Pennsylvania, but it was a failure. The companies discharged the men who were active in the matter. They were blacklisted and refused work throughout the region. I was urged at another time to get up a strike by one of the operators so that the price of coke might be raised.

"The Hungarians are paid sixty cents per ton, but they are so ignorant that they do not know what a ton is. The miners are wet, and these people work from 1 o'clock A.M. to 7 P.M. for a day. Americans and more skilled workmen could do the some amount of work in eight hours, but all have to wait on the wagons, the filling of which is delayed by these men, thereby putting the skilled and the unskilled on an equality. We dare not lay our grievance before the coke manufacturers, for whoever does so will be immediately discharged. We are opposed to strikes, as they are of no use, and could not succeed with us while these people are in this state of ignorance. Our citizens and merchants are leaving the region. The conditions are becoming insufferable. The works run from two to five days per week, and the wages paid about $1.25 per day, or generally eight tons at thirteen cents per ton. The coke manufacturers are now trying to form a syndicate, that they may monopolize the coke business. There are some manufacturers who will not employ these foreigners, one of whom lives in the region."

William Ashton, of Philadelphia, Pa., W. G. W. A., said:

"My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses, when not working, and could not be seen by the Americans. Most of them have since returned home, some being sent by the glassblowers' association, and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact, they bring their tools and moulds with them. The European workman cannot turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract, hence the employers are at liberty to pay them what they please."

Val Haas, Baltimore, Md., W. G. W. A., said:

"The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us, so that an understanding might be had. They were under constant police surveillance, and we were enjoined from interfering with them. These foreigners were natives of France, Belgium and Germany; they were brought in three different parties. In 1879, Baker Bros. brought forty-eight, and King & Bros. twenty-five. Baker Bros. brought a second lot of twenty-five, and King & Bros. and Swindell & Bros., twenty-three. Previous to this last importation there was no strike; some of these men are here yet, others have gone away. The effect has been a 12 per cent. reduction of wages."

Charles Leffler, Baltimore, Md., W. G. W. A., said:

"My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplished the object intended—the reduction of wages."

J. Campbell, of Pittsburgh, Pa., said:

"We have no objection to these men coming here voluntarily, but we object to them coming under contract, and to reduce American wages."

John Schlicker, of Pittsburgh, Pa., W. G. W. A., said:

"The difference in working in the glass industry in this country and Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass works for 30 years and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. *At Kent, Ohio, these imported men are working on Sunday.*"

Fred. Turner, of Philadelphia, Pa., secretary of Knights of Labor, said:

"It is the universal sentiment that the bill of Mr. Foran should be passed. The importation of foreign workmen is getting as bad as that of the Chinese. We have not the slightest objection to their voluntary coming. The African slave was better off than are these people under some of these contracts. The slave had some one to look after his welfare; these people have not. We present a petition to the committee containing 35,000 names of persons who pray for relief by the passage of a bill to remedy this matter."

Frank Porter, of Cambridge, Mass., cotton mill, said :

"I voice the sentiment of New England and ask that Mr. Foran's bill be passed. The manufacturers of New England have imported men, time after time, during strikes, from England, Ireland, Scotland, and Canada, whether under contract or not we are not able to prove, but we believe they were imported under contract. The Canadians, as a rule, do not become citizens, but return to Canada."

John S. McClelland, Hoboken, N. J., telegraph operator, said :

"I was one of the men who participated in the late strike of telegraph operators. The telegraph companies would have imported foreign telegraphers if they could have gotten them. They could not get them from England as there they are in Government service, and if they once leave, when they return they are forced to begin at the bottom."

F. C. Morgan, of Washington, D. C., said :

"I saw an agent, when I was in Brazil, in 1879, trying to engage the natives of Brazil to come to the cotton fields of the United States. I do not know that he engaged any who went."

John Costello again said that these imported workmen signed contracts, waiving the benefits of the statutes of Pennsylvania, which were passed for the protection of workmen, and thereby in their ignorance injuring the workingmen and nullifying the salutary laws of Pennsylvania, which were enacted to protect the workmen from the avarice of greedy manufacturers.

Copies of agreements with foreign workmen, executed in Belgium.

No. 1.

(Original in English.)

Agreement made by and between the firm of Day, Williams & Co., of Kent, Ohio, of the first part, and each of the signers hereto of the second part, exactly as if a separate agreement were made between said firm and each of said signers.

Each of the signers of the second part agrees and promises to work for the said first party at the business of window glass making for the term of three (3) consecutive years beginning January 1, 1880, and to faithfully perform his duties ; shall be paid the wages currently paid by the New York State manufacturers. Said first party agrees that the wages of each flattener shall be not less than at the rate of sixty (60) dollars per calendar month, and that the wages of each cutter shall be not less than at the rate of fifty (50) dollars per calendar month for work actually performed, or during the fire. It is agreed that said first party shall retain ten (10) per cent. of the wages of each and every workman until the expiration of this contract, as a guaranty of its faithful performance ; said ten (10) per cent. to be forfeited by each and every workman who shall fail to perform the conditions of this contract. It is also agreed that said first party shall advance the passage money of the party of the second part to Kent, Ohio, and that in case any workman shall fail to perform the conditions of this contract, he shall repay to said first party the amount of said passage money. It is also agreed that said first party shall have the right to discharge any workman who shall neglect his work through drunkenness or idleness, or who shall attempt to create dissatisfaction among the workmen. The said Day, Williams & Co., its successors and assigns, however constituted, shall always be taken as the party of the first part.

Signed by said first party by its firm name and by each of the signers of the second party by his own name, as of this second day of December, 1879. It is agreed that the flatteners shall receive $30 (thirty dollars) per month for all work done other than flattening.

DAY, WILLIAMS & CO.
HENRY PIERRE.
ADOLPH BRESSON.
AUGUST COENEN.

No. 2.

(Original in German.)

Agreement between the firm of Swindell Bros. of the first part, and John Schmidt, gatherer, and Carl Wagner, blower, of the second part.

The undersigned, of the second part, covenants and agrees with the party of the first part that they will for two consecutive years, beginning January 1st, 1882, work and duly perform such duties as instructed by the party of the first part, or his superintendents. The party of the first part covenants and agrees to pay the undersigned, who may duly perform their duties, the price generally paid by Baltimore manufacturers for the size of 16 by 24 inches, and all sheets shall be estimated at 8 sheet of 36 by 54 in. for 100 square feet. The party of the first part covenants and agrees that the wages of each glass blower shall be an average of $80 per calendar month, on condition that he makes 180 boxes of 100 square feet per calendar month.

The gatherer shall receive 65 per cent. of the sum paid the blower for wages per calendar month for actual work performed during the fire. It is agreed that the party of the first part shall retain 10 per cent. of the wages of each and every workman until the expiration of this contract as a guarantee of the faithful performance of the provisions of this contract. The aforesaid 10 per cent. shall be forfeited by each and every workman who shall fail to comply with the provisions of this contract.

It is further agreed that the party of the first part shall advance the passage money of the parties of the second part.

It is further agreed that the party of the first part have the right to discharge any of the workmen for drunkenness, or neglect of duty, or for disturbing the peace, or creating dissatisfaction among them, or for joining any association of American workmen.

The said Swindell Bros., their heirs and assigns, shall be considered the parties of the first part, and they agree to pay each blower $12 per week and the gatherer $9 per week, on condition that each perform his work faithfully at every blowing. The parties of the first part agrees to make monthly settlements with the parties of the second part, after the advances for passage, &c., shall have been repaid. Provided you faithfully perform your work for the term of contract (two years), we will pay back the passage money from Europe to America.

Antwerp, Dec. 15, 1882.

SWINDELL BROS,
YOHONN SCHMIDT,
Gatherer.

CARL WAGENER,
Blower.

Notwithstanding the admitted necessity for the speedy passage of this bill the Senate failed to take action on it.

The bill relative to the Eight-hour act was amended and passed by the House. The Senate took no action. The other measures are on the calendar for consideration next session. At no session of Congress has so much attention been paid to measures for the benefit and protection of the wage worker of the country.

In contrast with the zeal of the Democratic House on Labor questions is the neglect and indifference of the Republican Senate; the failure of the 47th Congress to take action on labor measures; the utter disregard by the administration to enforce the plain mandates of the Eight-hour law; the failure to stop the importation of contract labor, and the opposition to the Chinese bill. The feeling of that party was shown by the act approved July 4, 1864, for which it is presumed Mr. Blaine voted, as there as there is no vote recorded against it. Concerning this act Mr. O'Neill, of Missouri, said, June 19, 1884:

"I wish now to refer to one of the curiosities of American legislation which has attracted my attention. In an act entitled "An act to encourage immigration," approved July 4, 1864, I find the following provisions:

Be it enacted, &c., That the President of the United States is hereby authorized, by and with the advice and the consent of the Senate, to appoint a commissioner of immigration, who shall be subject to the direction of the Department of State, &c.

The remainder of that section relates only to clerks, salaries, and tenure of office, but the second section is very interesting:

> SEC. 2. *And be it further enacted,* That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the Recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired, until liquidated by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

Why insert the words "creating in any way the relation of slavery or servitude" but for the reason that they well knew that it was a death blow aimed at American workmen at the instance of wealthy capitalists whose only excuse was their greed ?

At a time when the Republican party was in full control of all branches of the Government it became a law, and is a pioneer work in encouraging the introduction of alien imported labor, to destroy American labor. And yet at the national convention recently held at Chicago they incorporated in their platform a provision condemning the importation of aliens under contract to perform labor in the United States. How consistent !

A MEMBER. What is the date of that act ?

MR. O'NEILL, of Missouri. July 4, 1864 ; and I believe it remained a law for many years, though an appropriation could never be obtained to carry it into effect.

Now, the 4th of July was a patriotic day to plant in the statute books of this country the most infamous law that could be framed, and which meant no more than servitude, which meant to create a lien on everything that an unfortunate immigrant could acquire after he came here in response to their desire for cheap labor. I think it proper to refer to that, when I see this canting, hypocritical party now masquerading before the country as having been always the friend of labor ! Heaven save workingmen from such friends, which even at this session, in the branch of legislation that they control, have emasculated the labor bureau bill demanded by every labor organization of the country.

What a contrast is presented in the present Democratic House, creating for the first time in Congress a distinct committee on labor, a majority of which committee I am proud to say are men who worked at the bench as mechanics, and who know from experience exactly what the workingmen of this country desire, and who have favorably reported back every measure demanded by the labor interests. They are not demagogues, as gentlemen on the other side would seen to intimate, and they tell you here to-day, sir, that while the constitutional lawyers in this House may find flaws in this bill the principle is right, and that it is exactly what the mechanics of this country ask for at your hands.

THE CHINESE QUESTION.

Party lines were not strictly adhered to in the consideration of the Chinese bill, but the record of the debates and votes in both the Senate and House shows the Democratic party is entitled to the chief credit for the earnest stand it made against the degradation of American labor and the impending danger to American society and theories of government.

The Republican sentimentalism upon this serious question, which should be considered from the standpoint of practical statesmanship, was expressed by Senator Hoar in his speech in the Senate March 1st, 1882.

He said :

"Mr. President : A hundred years ago the American people founded a nation upon the moral law. They overthrew by force the authority of their sovereign, and separated themselves from the country which had planted them, alleging as their justification to mankind certain propositions which they held to be self evident.

"They declared—and that declaration is the one foremost action of human history—that all men equally derive from their Creator the right to the pursuit of happiness; that equality in the right to that pursuit is the fundamental rule of the Divine justice in its application to mankind; that its security is the end for which governments are formed, and its destruction good cause why governments should be overthrown.

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"The insertion of the phrase 'the pursuit of happiness,' in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from Him who 'made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation.' He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell. He reserved for Himself by His agents heat and cold, and climate, and soil, and water, and land to determine the bonds of their habitation."

The Democratic doctrine was well expressed in the House on the 22d of March, by Mr. Tucker, of Virginia, who said :

"It is said by gentlemen here, and I heard the honorable gentleman from Iowa [Mr. Kasson] this morning say, that this bill was contrary to the great principles of American policy ; which is, to let everybody come at his pleasure to this 'land of the free and this home of the brave,' to this asylum for the oppressed and the downtrodden everywhere.

"Mr. Speaker, I have a proper sympathy with these sentiments, and while according much to them in our general policy, and giving large privilege to immigrants from other lands, yet when the right to come is claimed for them I protest against it as no part of our policy. I do not so read the Constitution of my country. Look at its preamble :

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution for the United States of America.

"The men who formed that Constitution formed it for the people of the United States ; for the people of the several States who were united by the former articles of confederation, but who were to be continued in unity under this Constitution.

"Gentlemen quote Scripture for their purpose:

God hath made of one—

"That is the new translation contained in the Revision which was admitted free of duty the other day, and therefore I may so quote it as by authority of Congress—

"God hath made of one all the nations of men to dwell upon the face of the earth—

"Very well, that is all true; but gentlemen forget to quote the remainder of the passage—

having determined their appointed seasons and the bounds of their habitation.

"What are these determined bounds? Asia for the Mongolian and Semetic races; Africa for the sons of Ham; Europe for the Caucasians and America, thank God, for the great Caucasian family of nations. [Applause.]

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"I hold that American statesmen to be the best humanitarian who is a legistor for our own country, who attends to the business and looks to the interests of our own people, and who strives for the preservation of the liberty and happiness and prosperity of the citizens of this great Union of States. [Applause.]

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"And yet what is the doctrine we hear advocated on this floor? It is that the Chinaman is the cheaper laborer, and therefore he should be allowed to come into this country and compete with our laborers. And gentlemen who hold to the doctrine (and I desire to call attention to this) that we ought to have a tariff high enough to protect the American laborer against the pauper laborer of Europe are instant in season and out of season in advocacy of a policy which would import millions of the poor laborers of China against whom our laborers at home must run the gauntlet of a destructive competition.

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"With your leave, Mr. Speaker, I will present one other point and then close. This is a graver question than one merely of trade. It is a question of the permanence, the peaceful and loving permanence of the American Union. The States on the Pacific Coast, separated from us by the Rocky Mountains, are open to Asiatic immigration; we on the Atlantic Coast are open to European immigration. Now, if these two tides of immigration are allowed to come in to an unlimited extent the effect will be that while we on the Atlantic Seaboard will be Caucasian in our civilization the Pacific States will become Asiatic, and how can a union continue between States on the Pacific dominated by Asiatic ideas and States on the Atlantic dominated by the free principles of the Caucasian family?" [Applause.]

Senator Maxey, of Texas, stated the case in the Senate on the 3d of March, as follows:

"Mr. President, I desire to place on record in a very few words the reasons which will control me in supporting the measure now before the Senate. I beg to say that in that vote I am not controlled or influenced by any ecstatic sentimentality or sublimated philanthropy which would cause me to welcome into this country consecrated to liberty regulated by law, and to Christian civilization, all the people of all climes and colors and of all nationalities, including Chinese, and without regard to their adaptability to our institutions and form of Government. My views have never extended that far, but rather I believed that—

If any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.

"'I love my own country better than any other country, and my own race better than any other race,' was the sentiment uttered by Mr. Clay, and it expresses precisely the views I entertain. I welcome cordially the Englishman, the Scotchman, the Irishman, the Frenchman, the German, and men of my own race and color wheresoever dispersed around the globe. They come among us to enjoy the blessings of free government, and soon become part of us. They make valuable additions to the body politic, but I trust that the refuse and dregs of the countless hordes of China will never find a welcome here."

The Democratic doctrine upon this subject was further expressed by Senator Vest of Missouri, who said upon this floor of the Senate, April 27th, as follows:

"When the junior Senator from Massachusetts, [Mr. Hoar,] for whose learning and eloquence I have the greatest respect, (and I read his speech last night, for I was detained from the Senate at the time it was delivered; I read it with great pleasure and great attention,) declares that this country is to become the great missionary station of the world, that the Declaration of Independence meant that our institutions were made not for Americans and for their descendants, but for the whole world to come here and take possession of this continent, bought with our blood and our treasure and that of our fathers, I deny the doctrine, æsthetical as it may be, and much as it appeals to the feeling of missionary Christianity among our people.

"Sir, this is a question of practical statesmanship. I am first for my own people against the world. I am first for the American system, which protects the labor and the interest of the American people before all others.

"What is this Chinese immigration? Are they citizens of the United States? Do they come here to meet the reciprocal obligation between our people and the Government to which they owe allegiance? I understand the doctrine of government is that government protects the citizen in life, liberty and property, and the citizen assumes the responsibilities and duties of allegiance to the government and a part in the government of the country itself. The greatest responsibility and the greatest duty of any dweller in these United States is his share in the Government and the legislation of this great country. Do the Chinese come here to share in these responsibilities? They are parasites, like those insects which fasten themselves upon vegetables or upon animals and feed and feed until satiety causes them to release their hold. They come to this country not to partake in the responsibilities of citizenship; they come here with no love for our institutions; they do not hold intercourse with the people of the United States except for gain; they do not homologate in any degree with them. On the contrary, they are parasites when they come, parasites while they are here, and parasites when they go.

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"Not in the learned and eloquent speech of the junior Senator from Massachusetts does he meet the proposition as I have put it. Nowhere in this whole debate in either House of Congress has the evidence been brought that the Chinese come here for any other purpose but to fatten upon the people of the United States and carry their plunder back with them. They are not of us; they are not with us. They cannot be made American citizens by any process known to our laws or even to the laws of God himself. They are made for a different destiny. They are crystallized in their habits, and their opinions.

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"Mr. President, for myself, when my people of the Pacific States, blood of my blood and bone of my bone, call to me, 'Deliver us from the body of this death, deliver us from this incubus and these fungi which are fastened upon us,' I shall not be deaf to the appeal. As Prentiss, of Mississippi, said once, 'I am first for my own hearth, then for my country, then my State, then for the Union, and then for the world.' Sir, in the concentric circles of the human heart comes at last the formation of a great Government and a great State. Take away the individuality, the home feeling, the home love of a man, and what is he? I oppose woman suffrage because it brings down the deity of home, woman, as wife and mother. I oppose it because it destroys all that is conservative and sacred in society.

"For the same reason, among others, I oppose Chinese immigration. They have no homes with us; they come here to carry back $45,000,000 annually from the people of California, and leave behind them only the memory of their vile habits and their most infamous doctrines.

"To the thrifty German, the generous and gallant Celt, the hardy Scandinavian, to all who come to share the responsibilities and work out the problem of our civilization and destiny, to all who seek home and shelter in our vast domain, fling wide the portals; but to the people that come not for homes or shelter but only for gain, who have no share in our destiny, no love for our institutions, no reverence for our religion, we have the right to say, and do say, 'You have no lot or part in this great matter.'

In a speech in the Senate, April 25th, Senator Morgan (Democrat) said:

"There is no mere sentimentality on our side of this question. We are driven by facts which we cannot resist or avoid, to the conclusion that it has became a solemn necessity on our part to protect the Caucasian race on this continent against the intrusion of the Oriental people. We make no war against a man because he is black or white, or red, or yellow; because he speaks one dialect or another. Ours is the expression of a firm and solid conviction that the Government of the United States under its peculiar organism is designed for a higher class of intelligence and virtue than that which belongs to the people who are migrating to this country from Asia in such swarms. We believe in the sanctity of the patrimony handed down to us by our fathers. We believe in its value morally, socially, and materially. We believe that it is our right and privilege, in competition with the great race to which we belong, to move this continent and this hemisphere to the front of the advanced march of civilization in such manner as to add to the glorious renown which this people have already won in the history of mankind, and we do not wish nor do we propose to be obstructed in this career by the introduction of a class of men who have no claim upon us except upon some vagary of diseased and mawkish sensibility."

A more practical view was taken by the Democratic side. Mr. Flower (Dem.), of New York, pointed out the effect upon the laboring classes in the following language:

"When I hear Republicans who will go to the polls shouting protection to American industries; when I hear the men who boast of their kind patronage and fatherly protection to American labor; when I hear these men protest against a bill looking to the expulsion of pauper labor from our midst; when I hear them sound the trumpet of the coolie system and the principle of freedom together; when I see them attempting to deprive the American laborer of his employment by introducing a class of 'helots'; when I see them trying to drive our native born and adopted citizens from their vocations by the aid of mercenaries; when I see them advocating protection and at the same time importing labor machines free of duty, I can neither doubt their inconsistency nor trust their disinterestedness.

"The strongest instinct of the human race is self preservation. The next, love of offspring. When you ask men to cut off the comforts of their homes, to decrease the advantages their children enjoy, to go out and work in competition with a pauper or a slave, to welcome to their land of comfort and civilization a heathen coming to reduce them to his level, when you ask this in the name of liberty and equal rights you profane their names.

"Liberty and equal rights are liberty and equal rights of men, not of slaves, not of coolies. The freedom of an eating, drinking, opium smoking, working automaton is not the freedom which our citizens enjoy. The rights of a well-worked machine are not their rights; they have higher rights and broader liberties, and they use them. They have the chance of education and of promotion; they have the liberty of self protection against injustice. Ask them to weigh these rights, these liberties, these advantages against the hypocritical sentiment which would leave their lives one bitter, ceaseless struggle with starvation, and I am confident the veil will be torn from the idol, and the philantrophic schemer, unmasked, will stand out in his true colors. My vote shall go toward closing the gap between capital and labor on the American continent. The gap has become too broad already. I am in favor of any measure that will ameliorate and elevate labor, and I shall vote for this bill on that principle."

Mr. Curtin (Dem.), of Pennsylvania, also presented the Democratic view of the question from the standpoint of practical statesmanship. He said, in a speech delivered in the House, March 23, 1882:

"Disguise it as you will, conceal or cover it with the humanitarian principles underlying our structure of government, summon from the history of the past, as has been done on this floor during the long debate, the sublime utterances of the Continental Congress through the Declaration of Independence, what is the question we are to meet on our votes on this measure? It is sentiment and only sentiment; and it fades before the wonderful growth and changing interests of the country, its progress, its wealth, its great future, and the true logic of the necessities of the condition of our people and government now present, as did the silver tones of the great bell when the fathers of the Republic sealed their immortal fame in the declaration, and rung out the proclamation of liberty and equality to all humanity. And here we are in the presence of the question which, I repeat, is the protection of American labor. Do we prefer to have 100,000 Chinamen take the place of 100,000 American laborers, part and parcel of the body politic, owing allegiance to our Government, with the right of the ballot, insuring for their children our free education, and with American hopes and aspirations?"

"I say to my friends on the other side if you are in favor of protecting labor you now have the opportunity.

"It is said on this floor, and it is a sentiment which can bear repetition, that we opened the portals of our Government and invited the oppressed people of all the world to come here in peaceful approch and enjoy our true civil and religious liberty and the dead level of American social organization; and yet who would for a moment believe in that liberal declaration which is claimed in its behalf in this discussion.

"We would not suffer paupers or criminals or diseased people to come here to spread contagion or disturb us by crime in order to make this continent a great reformatory asylum, which it would become if the declarations of gentlemen on this floor were carried to their full and logical conclusions. We might reform such people and cure their diseases, but they might infuse their virus into the health and morality of the American people.

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"I have said, Mr. Speaker, that it is a common and favorite topic, however sincere, to speak of labor, and very much has been said of its power and its demands for just protection by and through the Government. This Government should give protection to the laboring classes in any enactment of this Congress. The object of previous legislation has generally been the protection of capital, and the protection of their interests the incident. Sir, we have given away empires to corporations. We raise subsidies. We extend the credit of our Government to assist centralized and incorporated capital, and we protect the products of our own ingenuity and industry by imposing duties on foreign competition when we raise revenue. Of that I do not complain, because I know capital offers enterprises in which labor will find employment and pay. And, sir, if the centralization of power and of capital, which I must not think that American citizens look upon with satisfaction for the future of this country, and if we do not direct the legislation made to the protection of all classes engaged in and necessary to develop our resources in which capital is invited to active employment, we fail in our duty.

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"Now, sir, it is not likely to occur, but it is possible to bring 50,000 Chinamen from California and settle them down in Massachusetts, at Lowell or Lynn or Fall River or other enterprising towns, where they are as busy as bees in their productive industries, and thus displace 50,000 Massachusetts workmen and laborer. I apprehend the enlightened workmen who now make the flourishing cities I have mentioned so prosperous and yield such plentiful returns to the capital invested in their manufacturing establishments, I apprehend, sir, that strikes might be expected, and John Chinaman would not fare better, or as well, in the land and under the protection of the steady habits and exalted political ideas of the Puritan; and the violent denunciation of the enlightened Yankee orator would dwarf into harmless, inane prattle, the crude oratory of the shambles and the sand lots of California. [Laughter and loud applause.] Then, sir, they would scarcely entertain the sympathy that now goes out with such generosity, and in the expression of which their members on this floor are so eloquent, toned and beautified by the perfection of their language.

"If, then, the introduction of forty or fifty thousand Chinamen would interfere with the rights or the interests or happiness or ability to work in New England, where so much of their prosperity depends on labor, we have the right, nay, it is our duty, when the people of a great State, one of the great sovereignties which make up our Gouvernment, ask for relief, to grant it if in our power. If New England could not tolerate such an invasion, and the Chinamen in thousands should be carried to the South by capital, seeking cheap labor ; or if he should go there to a climate adopted to his nature and work and production, in harmony with his life and teachings, what would become of the colored man, and what of the poor white man of that section ? Who would inflict such a grievous wrong on the black man, the ward of the nation, and take from him the interests, the teachings, and sympathy of the white man, his real friend ? Such a calamity is not to be for a moment contemplated to the colored man of this nation.

"I will most heartily give my vote for this bill ; and accepting the principle as admitted by all the gentlemen who have discussed this question that we have the right to put a limitation on the immigration of the Chinese people under the treaty with that nation, a question I need not now discuss, I will vote for twenty years' suspension of immigration because, first, we assert the right ; we believe the representations made by all the people of the Pacific coast to be true, and they are our own people, and as they are our best judges of the limitations as to time, I yield any judgment I might have to the better judgment of those who should understand this question. When we concede to their judgment we give it force and effect by our legislation in this Congress. [Great applause.]"

VOTE IN THE HOUSE.

The original bill suspending the immigration of Chinese laborers for a period of 20 years passed the House March 23 by the following vote.

The question was taken ; and there were—yeas 167, nays 66 ; as follows :

YEAS—167.

*Aiken,
*Aldrich,
*Armfield,
*Atkins,
Bayne,
Belford,
*Belmont,
*Berry,
Bingham,
*Blackburn,
*Blanchard,
*Bliss,
*Blount,
Brewer,
BRUMM,
*Buckner,
BURROWS, JOS. H.
*Davis, Lowndes H.
De Motte,
*Deuster,
Dezendorf,
*Dibble,
*Dibrell,
*Dowd,
*Dugro,
*Ermentrout,
Errett,
Farwell, Chas. B.
Finley,
Fowler,
FORD,
*Forney,
Fulkerson, (Readj.)
*Garrison,
*Hutchins,
JONES, GEORGE W.
*Jones, James K.
Jorgensen,
*Kenna,
*King,
*Klotz,
*Knott.
LADD,
*Leedom,
Lewis,
Marsh,
*Martin,
*Matson,
McClure,
McCook,
*McKenzie,
*Rosecrans,
Scranton,
Shallenberger,
Sherwin,
*Simonton,
*Singleton, Otho R.
Smith, A. Herr,
Smith, Dietrich, C.
Smith, J. Hyatt (Ind.)
*Sparks,
Spaulding,
*Speer,
*Springer,
*Stockslager,
Strait,
*Talbott,
Thomas,

Butterworth,
*Cabell,
*Caldwell,
Calkins,
Campbell,
Cannon,
*Cassidy,
Caswell,
*Chalmers,
*Chapman,
*Clark,
*Clements,
*Cobb,
*Converse,
*Cook,
Cornell,
*Cox, Samuel S.
*Cox, William R
*Covington,
*Cravens,
*Culbertson,
*Curtin,
Darrell,
*Davidson,
Davis, George R.

*Geddes,
George,
*Gibson,
Guenther,
*Gunter,
*Hammond,
*Hardy,
Harmer,
*Harris, Henry S.
HAZELTINE,
*Hatch,
Hazleton,
Heilman,
*Herndon,
*Hewitt, Abram S.
Hill,
Hiscock,
*Hoblitzell,
*Hoge,
*Holman,
Horr,
Houk,
*House,
Hubbell,
Hubbs,

McKinley,
*McLane,
*McMillin,
Miller,
*Mills,
*Money,
Morey,
*Moulton,
MURCH,
*Mutchler,
O'Neill,
Pacheco,
Page,
Paul, (Readj.)
Payson,
Peelle,
*Phelps,
*Phister,
Pound,
*Randall,
*Reagan,
RICE, THERON M.
*Richardson, Jno. S.
*Robertson,
*Robinson, Wm. E.

*Thompson, P. B.
*Tillman,
Townsend, Amos,
*Townsend, R. W.
*Tucker,
*Turner, Henry G.
*Turner, Oscar,
Updegraph, J. T.
*Upson,
Valentine,
*Vance,
Van Horn,
*Warner,
Washburn,
Webber,
*Wellborn,
*Whitthorne,
*Williams, Thomas,
*Willis,
Willits,
*Wilson,
*Wise, George D.
*Wise, Morgan D.
Wood, Walter A.

NAYS—66.

Anderson,
Barr,
*Bragg,
Briggs,
Browne,
Buck,
Camp,
Chandler,
Carpenter,
Chace,
Crapo,
Cullen,
Dawes,
Deering,
Dingley,
Dunnell,
Dwight,

Farwell, Sewell S.
Grout,
Hall,
Hammond, John,
*Hardenbergh,
Harris, Benj. W.
Haskell,
Hawk,
Henderson,
Hepburn,
*Hooker,
Humphrey,
Jacobs,
Jones, Phineas,
Joyce,
Kasson,
Ketcham,

Lord,
McCoid,
*Morse,
Norcross,
Orth,
Parker,
Ranney,
Reed,
Rice, John B.
Rice, William W.
Rich,
Richardson, D. P.
Ritchie,
Robinson, Geo. D.
Russell,
Ryan,
Shultz,

Skinner,
Spooner,
Stone,
Taylor,
Thompson, Wm. G.
Tyler,
Updegraff, Thomas,
Urner,
Wadsworth,
Wait,
Walker,
Ward,
Watson,
White,
Williams, Chas. G.

The second bill, prepared after the President's veto, suspended the coming of Chinese laborers for 10 years. It passed the House April 17 by the following vote:

YEAS—261.

*Aiken,
Aldrich,
Anderson,
*Armfield,
*Atkins,
Bayne,
*Beach,
Belford.
*Berry,
Bingham,
*Blackburn,
*Blanchard,
*Bland,
*Blount,
*Buchanan,
*Buckner,
Burrows, Julius C.
BURROWS, Jos. H.
Butterworth,
*Cabell,
*Caldwell,
Calkins,
Camp,
Campbell,
Cannon,
*Carlisle,
*Cassidy,
Caswell,
Chace,
*Chalmers,
*Chapman,
*Clardy,

*Dibble,
*Dibrell,
*Dowd,
Dunnell,
*Ermentrout,
Errett,
*Evins,
Farwell, Chas. B.
*Finley,
Fisher,
*Flower,
FORD,
*Forney,
Fulkerson, (Readj.)
*Geddes,
George,
*Gibson,
Guenther,
*Gunter,
*Hammond, N. J.
*Hardy,
Harmer,
*Harris, Henry S.
HASELTINE,
Haskell,
*Hatch,
Hawk,
Hazelton,
Heilman,
*Herbert,
*Herndon,
*Hewitt, Abram S.

*Kenna,
Ketcham,
*Klotz,
*Knott,
Lacey,
LADD,
*Latham,
*Leedom,
*Le Fevre,
Lewis,
Lord,
*Manning,
Marsh,
Mason,
*Matson,
McClure,
McCook,
*McKenzie,
McKinley,
*McLane,
Miles,
Miller,
*Money,
Morey,
*Morrison,
MOSGROVE,
*Moulton,
*Muldrow,
MURCH,
Neal,
*Nolan,
Oates,

*Robinson, Wm. E.
*Rosecrans,
*Ross,
Russell,
Ryan,
Scranton,
*Shackelford,
Shallenberger,
*Shelley,
Sherwin,
*Simonton,
*Singleton, Otho R.
Smith, A. Herr
Smith, Dietrich C.
Smith, J. Hyatt (Ind.)
*Sparks,
Spaulding,
*Speer,
Spooner,
*Springer,
Steele,
Strait,
*Talbott,
*Tilman,
Townsend, Amos
*Townshend. R. W.
*Turner, Henry G.
*Turner, Oscar
Tyler,
Updegraff, J. T.
*Upson,
Urner,

*Clark,
*Clements,
*Cobb,
*Colerick,
*Converse,
*Cook,
*Cox, Samuel S.
*Covington,
*Cravens,
*Culberson,
Cullen,
*Curtin,
Darrell,
*Davidson,
Davis, George R.
*Davis, Lowndes H.
De Motte,
*Deuster,
Dezendorf,
*Hewitt, G. W.
Hill,
Hiscock,
*Hoblitzell,
*Hoge.
*Holman,
Horr,
Houk,
*House,
Hubbs,
*Hutchins,
Jacobs,
Jadwin
JONES, GEORGE W.
*Jones, James K.
Jones, Phineas
Jorgensen,
Kasson,
Kelly
O'Neill,
Pacheco,
Page,
Paul, (Readj.)
Payson,
Peelle,
Peirce,
*Phelps,
Pound,
Prescott,
*Randall,
*Reagan,
Reed,
RICE, THERON M.
Rich,
*Robertson
Robeson,
Robinson, Geo. D.
Robinson, James S.
Valentine,
*Vance,
Van Horn,
Wait,
*Warner,
Webber,
*Wellborn,
West,
*Wheeler,
White,
*Whitthorne,
*Williams, Thomas
*Willis,
Willits,
*Wise, George D.
*Wise, Morgan R.

NAYS—37.

Bowman,
*Bragg,
Briggs,
Buck,
Carpenter,
Crapo,
Dawes,
Deering,
Dingley,
Dwight,
Farwell, Sewell S.
Grout,
Hall,
Hammond, John
*Hardenbergh,
Humphrey,
Joyce,
McCoid,
Moore,
*Morse,
Norcross,
Orth,
Parker,
Ranney,
Ray,
Rice, John B.
Rice, William W.
Ritchie,
Shultz,
Skinner,
Stone,
Thompson, Wm. G.
Van Aernam.
Van Voorhis,
Wadsworth,
Ward,
Williams, Chas. G.

The first bill, suspending Chinese immigration for twenty years, passed the Senate March 9th, as follows:

YEAS—29.

*Bayard,
*Beck,
*Call,
Cameron of Wis.,
*Cockrell,
*Coke,
*Fair,
*Farley,
*Garland,
*George,
*Gorman,
Hale,
*Harris,
Hill of Colorado,
*Jackson,
*Jonas,
Jones of Nevada,
Miller of Cal.,
Miller of N. Y.,
*Morgan,
*Pugh,
*Ransom,
Sawyer,
*Slater,
Teller,
*Vance,
*Vest,
*Voorhees,
*Walker.

NEAS—15.

Aldrich,
Allison,
Blair.
*Brown,
Conger,
*Davis of Illinois,
Dawes,
Edmunds,
Frye,
Hoar,
Ingalls,
Lapham,
McDill,
McMillan,
Morrill.

The second bill, suspending it for ten years, passed the Senate April 28th, as follows:

YEAS—32.

*Beck,
*Butler,
*Call,
Cameron of Wis.,
Chilcott,
*Coke,
*Davis of Illinois,
*Fair,
*Farley,
*Garland,
*George,
*Grover,
Hale,
*Hampton,
*Harris,
Hill of Colorado,
*Johnston,
*Jonas,
Jones of Nevada,
*Maxey,
Miller of Cal.,
Miller of N. Y.
*Morgan,
*Pendleton,
*Pugh,
Saunders,
*Slater,
*Vance,
Van Wyck,
*Vest,
*Walker,
*Williams.

NAYS—15.

Allison,
Blair,
Conger,
Dawes,
Edmunds,
Frye,
Harrison,
McMillan.
Hoar,
Ingalls,
Lapham,
McMillan,
Morrill,
Platt,
Sherman.

During the present Congress, on the 3d of May, 1884, the House having under consideration a bill to amend the law of March 6th, 1882, Mr. Lamb (Democrat), of Indiana, said:

There is a record, Mr. Chairman, upon this question, not only of individuals, but a record of parties as well. Much has been said about the Democratic party being a party of free trade, as was said so forcibly by my colleague from Indiana a while ago. I am proud to say that no single Democrat upon this floor has lifted his voice to-day in behalf of the pauper labor of China and against the interests of the free labor of America. I am glad that the opposition comes from that side of the House which pretends always to protect the interests of the American laborer. And may I not be pardoned for asking the gentlemen who for the past two weeks have with loud voices and unmeasured tones denounced my side of the Chamber because of their wishing, as they allege, to break down American labor to the depths of degradation of the pauper labor of Europe—I say may I not be pardoned if I ask them whether they are in earnest, or whether it is not their endeavor to protect capital alone? * * * * * * When this legislation was before Congress two years ago—and I have the record here before me—sixty-six Republicans, sixty-six members of the other side of the House who stand here pretending to protect American labor, voted against that bill. When the bill to limit immigration for ten years was before the House, thirty-seven members of the House voted against that bill, and of that number thirty-four were Republicans, and but three Democrats. Upon this proposition, then, as to whether my party is in favor of free trade, in favor of placing the labor of America upon a level with the pauper labor of Europe, I am willing to be judged by the record.

The vote on this bill was as follows:

YEAS—184.

Aiken,
Alexander.
Atkinson,
Bagley,
Barksdale,
Bayne,
Beach,
Blanchard,
Bland,
Cutcheon,
Dargan,
Davis, G. R.
Deuster,
Dibble,
Dibrell,
Dockery,
Dowd,
Dunham,
Dunn,
Eaton,
Elliott,
Ellwood,
Ermentrout,
Evins, J. H.
Ferrell,
Fiedler,
Finerty,
Follett,
Foran,
Forney,
Fyan,
Garrison,
George,
Gibson,
Glascock,
Goff,
Graves,
Green,
Greenleaf,
Guenther,
Halsell.
Mammond,
Hancock,
Hardeman,
Hatch, W. H.
Henderson, D. B.
Boyle,
Brainerd,
Breckinridge,
Brown, W. W.
Brumm,
Buchunan,
Buckner,
Budd,
Burnes,
Henly,
Hepburn,
Herbert,
Hewitt, G. W.
Hill,
Hiscock,
Holman,
Holmes,
Hopkins,
Horr,
Houk,
Houseman,
Hurd,
Jeffords,
Jones, B. W.
Jones, J. H.
King,
Lacey,
Lamb,
Lanham,
Lawrence,
LeFevre,
Lewis,
Lovering,
Lowry,
McAdoo,
McCoid,
McComas,
McCormick,
McKinley,
McMillin,
Matson,
Maybury,
Miller, J. F.
Miller, S. H.
Millikin,
Mitchell,
Caldwell,
Campbell, J. M.
Candler,
Carleton,
Cassidy,
Clardy,
Clay,
Clements,
Cobb,
Money,
Morgan,
Morrison,
Murphy,
Murray,
Neece,
Nutting,
Oates,
O'Neill, J. J.
Paige,
Patton,
Pierce,
Peel, S. W.
Peele, S. J.
Pettibone,
Post,
Pryor,
Pusey,
Randall,
Rankin,
Reese,
Robertson,
Robinson, J. S.
Rogers, J. H.
Rogers, W. F.
Rosecrans,
Rowell,
Scales,
Seney,
Seymour,
Shaw,
Shelley,
Singleton,
Skinner, T. G.
Slocum,
Smith,
Springer,
Collins,
Connolly,
Converse,
Cook,
Cosgrove,
Cox, S. S.
Crisp,
Culberson, D. B..
Cullen,
Steele,
Stephenson,
Stewart, Charles
Stockslager,
Strait
Struble,
Sumner, C. A.
Sumner, D. H.
Taylor, J. M.
Throckmorton,
Tillman,
Tully,
Turner, H. J.
Turner, Oscar
Van Alstyne,
Vance,
Van Eaton,
Wakefield,
Ward,
Warner, Richard
Weaver,
Weilborn,
Weller,
Wemple,
White, Milo
Whiting,
Wilkins,
Williams,
Willis,
Wilson, James
Wilson, W. L.
Winans, E. B.
Winans, John
Wise, G. D.
Wolford,
Worthington,
Yaple.

NAYS—13.

Adams, G. E.
Brewer, F. B.
Browne, T. M.
Everhart,
Henderson, T. J.
Hitt,
Kean,
Lyman.
Price,
Rice,
Skinner, C. R.
Smalls,
Spooner.

The bill was ordered by the Committee on Foreign Affairs of the House, *by a party vote,* to be reported favorably, and the Record shows that every voice raised against the bill and every vote cast against it was Republican. Its fate in the Senate was exceedingly dubious until the necessities of the campaign rendered its passage absolutely essential.

Protection of Personal Liberty.

Republican Tendencies.

A political party whose tendencies are toward centralization and imperialism in affairs of state and officiousness in the private business affairs of the people, naturally seeks to regulate their morals by sumptuary legislation instead of leaving them where they properly belong, to social and religious influences. They seem to forget that church and state have been permanently divorced, for their obnoxious legislation is based upon the ancient theory of government. They not only attempt, through State laws, to regulate the appetites and tastes of the people, but even invoke the strong arm of the federal government for similar purposes.

In illustration of this tendency we refer to a few recent attempts.

In January, 1876, a bill to provide a commission on the subject of alcoholic liquor traffic was passed in the Senate by a vote of—yeas, 37 Republicans and 1 Democrat; nays, 20 Democrats. Mr. Logan voted aye.

In January, 1878, Mr. Blair (Republican) offered a constitutional amendment forbidding the manufacture, sale or importation of alcoholic liquors in the United States.

In March, 1879, a bill to appoint a commission of five persons to investigate the alcoholic liquor-traffic, principally in its relations to revenue, and also as to taxation and its general economic and scientific aspects in connection with the public health and general welfare of the people, was passed in the Senate by a vote of—ayes, 28 Republicans and 1 Democrat; noes, 19 Democrats.

On the 6th of February, 1882, Mr. Joyce (Republican) moved in the House of Representatives that the rules be suspended, and the following bill be taken up out of order and passed:

Mr. Joyce's Bill.

Be it enacted, etc., That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, not all of whom shall be advocates of prohibitory liquor laws, and neither of whom shall be the holder of any office of profit or trust in the General Government or any State government. The said commissioners shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic, fermented, and vinous liquor traffic and manufacture with reference to revenue and taxation, and the effect of each class of such liquors in their economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire into the practical results of taxation and license, and of restrictive legislation for the prevention of intemperance in the several States, Territories, and District of Columbia.

Sec. 2. That the said commissioners shall further ascertain, as near as may be, the number of gallons of wine, beer, or distilled liquors annually consumed in different countries, more especially within the United States; the number of deaths annually from alcoholism, the number and character of crimes resulting from the use of alcoholic and malt liquors; and the diseases produced by the use thereof, mental as well as physical; the number of arrests for drunkenness; the amount of pauperism produced by the use of such liquors; the amount of revenue received by the Government from the liquor traffic and liquor making; the amount of tax or revenue received from such manufacturing and traffic by State and municipal governments; the amount of food transformed into alcohol; the probable retail cost of alcoholic and malt liquors consumed; the cost of caring for the insane, idiotic, criminals, and paupers made such by the use of alcoholic and malt liquors; the capital employed in the manufacture of such liquors and in the traffic thereof; the quantity of such liquors imported and exported; the number of persons employed in the manufacture and sale of such liquors.

Sec. 3. That the said commissioners shall serve without salary, but are hereby authorized to employ a secretary at a reasonable compensation, not to exceed $2,500 per annum, which, with the necessary expenses, incidental to such investigation, of the secretary and commissioners, shall be paid, out of any money in the Treasury not otherwise appropriated, upon vouchers signed by the president and countersigned by the secretary, and approved by the Secretary of the Treasury; and the sum of $10,000, or as much thereof as may be necessary, is hereby appropriated to pay such vouchers.

Sec. 4. That said commissioners shall, as soon after their appointment as is convenient, meet and organize by the election of one of their number as president of such board, and they shall also elect a secretary, as hereinbefore provided, who shall take the usual oath of office, and give a bond to the Secretary of the Treasury of the United States in the penal sum of $3,000 for the faithful performance of the duties of his office, which bond and the sureties thereon shall be approved by such Secretary of the Treasury.

Sec. 5. That it shall be the further duty of said commissioners to report the result of their investigations and the expenses attending the same to the President, to be by him transmitted to Congress.

The question was taken and there were—yeas 112, and nays 98, as follows:

YEAS—112.

Bayne,
Belford,
*Beltzhoover,
Bowman,
Briggs,
Browne,
Buck,
Burrows, Julius C.
Camp,
Candler,
Cannon,
Carpenter,
Caswell,
Chace,
Crapo,
*Culberson,
Cullen,
Dawes,
Deering,
De Motte,
Dingley,
Dunnell,
Farwell, Sewell S.
Fisher,
FORD,
George,
Godshalk,
Grout,
Hammond, John,
HASELTINE,
Haskell,
Hawk,
Hazelton,
Heilman,
Henderson,
Hepburn,
Hiscock,
Horr,
Houk,
Hubbell,
Hubbs,
Humphrey,
Jacobs,
Jadwin,
*Jones, James K.
Jones, Phineas,
Jorgenson,
Joyce,
Kelley,
Lacey,
LADD,
Lindsey,
Lord,
Marsh,
McClure,
McKinley,
Miller,
Moore,
Neal,
O'Neil,
Orth,
Pacheco,
Page,
Parker,
Payson,
Peele,
Pierce,
Pettibone,
Pound,
Ranney,
Ray,
Reed,
Rice, William W.
Rich,
Richardson, D. P.
Ritchie,
Robeson,
Robinson, James S.
Russell,
Ryan,
Scranton,
Shallenberger,
Sherwin,
Shultz,
*Simonton,
Skinner,
Smith, A. Herr,
Smith, Dietrich C.
Smith, J. Hyatt, Ind.
Spaulding,
Spooner,
Steele,
Strait,
Taylor,
Thompson, Wm. G.
Tyler,
Updegraff, J. T.
Urner,
Valentine,
*Vance,
Van Aernam,
Van Voorhis,
Wadsworth,
Wait,
Ward,
Washburn,
Watson,
Webber,
West,
Williams, Chas. G.
Willits,
Wood, Walter A.

NAYS—98.

*Aiken,
*Armfield,
*Atherton,
*Atkins,
*Barbour,
*Belmont,
*Berry,
*Black,
*Blackburn,
*Blanchard,
*Bland,
*Blount,
*Bragg,
*Buchanan,
*Buckner,
*Caldwell,
*Carlisle,
*Cassidy,
*Chapman,
*Clardy,
*Clark,
*Clements,
*Cobb,
*Colerick,
*Converse,
*Cook,
*Cravens,
Davis, George R.
*Davis, Lowndes H.
*Duester,
*Dibble,
*Dibrell,
*Dowd,
*Ermentrout,
*Evins,
*Finley,
*Forney,
Fulkerson, (Readj.)
*Geddes,
*Gibson,
*Guenther,
*Hammond, N. J.
*Hardenberg,
*Hatch,
*Herbert,
*Herndon,
*Hewitt, Abram S.
*Hewitt, G. W.
*Hoblitzell,
*Hoge,
*Holman,
*House,
JONES GEORGE W.
*Kenna,
*Klotz,
*Knott,
*Latham,
*Le Fevre,
*Manning,
*Martin,
*Matson,
*McKenzie,
*McLane,
*McMillin,
*Mills,
*Money,
*Morrison,
*Muldrow,
*Oates,
*Phelps,
*Phister,
*Reagan,
*Richardson, Jno. S.
*Robinson, Wm. E.
*Rosecrans,
*Scales,
*Shelley,
*Singleton, Jas. W.
*Singleton, Otho R.
*Sparks,
*Speer,
*Springer,
*Stockslager,
*Thompson, P. B.
*Tillman,
*Tucker,
*Turner, Henry G.
*Turner, Oscar,
*Upson,
*Warner,
*Wellborn,
*Wheeler,
*Whitthorne,
*Williams, Thomas,
*Willis,
*Wilson,
*Wise, George D.
Young.

Of which 105 Republicans voted in the affirmative, and 94 Democrats in the negative.

The Iowa Liquor Law.

The tendency of sumptuary legislation is toward officiousness and tyranny, as may be seen from a perusal of the new liquor law of Iowa :

A bill for an act to amend chapter 6, title 11 of the Code, relating to intoxicating liquors, and to provide additional penalties for violations of the provisions of said chapter, and the amendments thereto.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 1525 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 1525. Every person who shall manufacture any intoxicating liquors, as in this chapter prohibited, shall be deemed guilty of a misdemeanor, and upon his first conviction for said offense, shall pay a fine of two hundred dollars and costs of prosecution or be imprisoned in the county jail not to exceed six months ; and on his second, and every subsequent conviction for said offense, he shall pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, and be imprisoned in the county jail one year.

SEC. 2. That section 1526 of the Code of 1873 be, and is hereby re-enacted and amended by inserting the word "to," and before the words "buy and sell intoxicating liquors," the words "manufacture or."

SEC. 3. That section 1527 of the Code be, and the same is hereby amended by inserting after the words "desires to," and before the words "sell said liquors," in the third line of said section the words "manufacture or."

SEC. 4. That section 1528 of the Code be, and the same is hereby amended by adding thereto the words : provided, that in case of a permit to manufacture intoxicating liquors, the penalty of the bond shall be five thousand dollars.

SEC. 5. That section 1531 of the Code be, and the same is hereby amended, by inserting in the second line thereof, after the words "may be," the words "manufactured or."

SEC. 6. That section 1535 of the Code be, and the same is hereby amended, by inserting after the words "record of," in the fourth line, the words "manufacture or."

SEC. 7. That section 1537 of the Code be, and the same is hereby amended by adding thereto the words "and the provisions of this section shall apply to persons holding a permit to manufacture intoxicating liquors, so far as the same relates to the report ;

and any such manufacture shall, within the time specified for parties holding a permit to sell, also report the quantity and kind of liquors by him manufactured since the date of his last report, and also the quantity and kinds of liquors sold by him, and for what purpose, and to whom sold."

SEC. 8. That section 1558 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof:

SEC. 1538. Any person having such permit who shall sell intoxicating liquors at a greater profit than is herein allowed, shall be liable to treble damages, to be recovered by civil action in favor of the party injured; and any person holding a permit, either to manufacture or sell, who shall fail to make monthly returns as herein required, or within fifteen days thereafter, or who shall make a false return shall forfeit for each offense the sum of $100, to be recovered in the name of the State of Iowa, upon the relation of any citizen of the county by civil action on his bond with costs, and one-half of the sum recovered shall go to the informer, and one-half shall go to the shool fund of the county.

SEC. 9. That section 1539 of the Code be, and is hereby amended by adding thereto the following, to wit: One-half of the amount so recovered shall go to the informer, and the other half shall go to the school fund of the county.

SEC. 10. That section 1540 of the Code be repealed, and the following enacted in lieu thereof:

"SEC. 1540. If any person not holding such a permit, by himself, his clerk, servant, or agent, shall for himself, or any person else, directly or indirectly, or on any pretense, or by any device, sell, or in consideration of the purchase of any other property, give to any person any intoxicating liquors, he shall, for the first offense, be deemed guilty of a misdemeanor, and on conviction for said first offense shall pay a fine of not less than $50 or more than $100 and costs of prosecution, and stand committed to the county jail until such fine and costs are paid; for the second and every subsequent offense he shall pay, on conviction thereof, a fine of not less than $300 nor more than $500, and costs of prosecution, and be imprisoned in the county jail not to exceed six months. All clerks, servants and agents of whatever kind, engaged or employed in the manufacture, sale, or keeping for sale in violation of this chapter, of any intoxicating liquor, shall be charged and convicted in the same manner as principals may be, and shall be subject to the penalties herein provided. Indictments and informations for violations under this section may allege any number of violations of its provisions by the same party, but the various allegations must be contained in separate counts, and the person so charged may be convicted and punished for each of the violations so alleged as on separate indictments or informations, but a separate judgment must be entered on each count on which a verdict of guilty is rendered. The second and subsequent convictions mentioned in this section shall be construed to mean convictions on separate indictments or informations. And in default of the payment of the fines and costs provided for the first conviction under this section, the person so convicted shall not be entitled to the benefit of chapter 47, title 25 of this Code, until he shall have been imprisoned 60 days."

SEC. 11. That section 1542 of the Code be repealed and the following enacted in lieu thereof:

SEC. 1542. No person shall own, or keep, or be in any way concerned, engaged or employed in owning or keeping any intoxicating liquors with intent to sell the same within this State, or to permit the same to be sold therein in violation of the provisions hereof, and any person who shall so own or keep, or be concerned, engaged, or employed in owning or keeping such liquors with any such intent, shall be deemed, for the first offense, guilty of a misdemeanor; and on conviction for said first offense shall pay a fine of not less than fifty nor more than one hundred dollars and costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, and in default of such fine and costs, he shall not be entitled to the benefits of chapter forty-seven, title twenty-five of the code, until he shall have been imprisoned sixty days; for the second and every subsequent offense he shall pay a fine of not less than three hundred dollars nor more than five hundred, or be imprisoned in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court. And upon trial of every indictment or information of violations of the provisions of this section, proof of the finding of the liquor named in the indictment or in the information, in the possession of the accused in any place except his private dwelling-house, or its dependencies, or in such dwelling-house or dependencies, if the same is a tavern, public eating house, grocery, or other place of public resort, or in unusual quantities in the private dwelling-house or its dependencies of any person keeping a tavern, public eating house, grocery, or other place of public resort in some other place, shall be received and acted upon by the court as presumptive evidence that such liquor was kept or held for sale contrary to the provisions thereof.

SEC. 12. That section 1543 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

"SEC. 1543. In cases of violation of the provisions of either of the three preceding sections, or of section 1525 of this chapter, the building or erection of whatever kind, or the ground itself, in or upon which such unlawful manufacture, or sale, or keeping, with intent to sell, use or give away, of any intoxicating liquor is carried on, or continued, or exists, and the furniture, fixtures, vessels, and contents, is hereby declared a nuisance and shall be abated as hereinafter provided, and whoever shall erect or establish, or continue, or use any building, erection, or place for any of the purposes prohibited in said sections shall be deemed guilty of a nuisance, and may be prosecuted and punished accordingly, and upon conviction shall pay a fine of not exceeding $1,000 and costs of prosecution, and stand committed until the fine and costs are paid; and the provision of chapter 47, title 25 of this Code shall not be applicable to persons committed under this section. Any citizen of the county where such nuisance exists, or is kept or maintained, may maintain an action in equity to abate and perpetually enjoin the same, and any person violating the terms of any injunction granted in such proceedings, shall be punished as for contempt by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment in the discretion of the court.

SEC. 13. That section 1551 of the Code be, and the same is hereby amended by adding thereto the following: "Every peace officer shall give evidence when called upon, of any facts within his knowledge, tending to prove a violation of the provisions of this chapter, but his evidence in no case shall be used against him in any prosecution against him for a violation of the provisions of this chapter."

SEC. 14. That section 1553 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

SEC. 1553. If any express company, railway company, or any agent, or person in the employ of any express company or railroad company, or if any common carrier, or any person in the employ of any common carrier, or if any other person shall knowingly bring within this State for any other person or persons, or corporation, or shall transport between points within this State for any other person or persons, or corporation, any intoxicating liquors, without first having been furnished with a certificate from and under the seal of the county auditor of the county to which said liquor is to be transported or is consigned for transportation, certifying that such consignee or person, for or to whom said liquor is to be transported, is authorized to sell such intoxicating liquors in such county, such company, corporation, or persons so offending, and each of them, and any agent of such corporation or company so offending shall, upon conviction thereof, be fined in any sum not exceeding $100 for each offense and shall stand committed to the county jail until such fine and the costs of prosecution are paid, and one half of the fine shall go to the informer and the other half shall go to the school fund of the county; and provided further, that the offense herein defined shall be held complete, and shall be held to have been committed in any county of the State through or to which said intoxicating liquors are transported, or in which the same are loaded for transporation; provided further, that it shall be the duty of the several county auditors of this State to issue the certificate herein contemplated to any person having such permit, and the certificate so issued shall be truly dated where issued, and shall specify the date at which the authority or permit expires, as shown by the county records.

SEC. 15. Every person who shall, directly or indirectly, keep or maintain by himself, or by associating or combining with others, or who shall in any manner aid, assist, or abet, in keeping or maintaining any club-room, or other place in which intoxicating liquors is received or kept for the purpose of use, gift, barter or sale, or for distribution or division among the members of any club or association by any means whatever, and every person who shall use, barter, sell or give away, or assist or abet another in bartering, selling or giving away any intoxicating liquors as received or kept, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail not less than thirty days nor more than six months.

SEC. 16. All statutes and acts and parts of acts inconsistent with the provisions of this chapter as hereby amended, are hereby repealed; provided, however, that this repeal shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time such repeal takes effect, and no offense committed, nor penalty or forfeiture incurred, and no suit or prosecution pending when the repeal takes effect, for an offense committed or for the recovery of a penalty or forfeiture incurred, shall be affected by this repeal and the provisions of section 1555 as amended and substituted by the act of this general assembly, approved March 4, 1884, shall apply and have relation to the provisions of this Code as herein amended and all the penalties as herein provided, shall be held to apply to intoxicating liquors as defined in said act of March 4, 1884.

Mr. Blaine's Sentiments.

Mr. Blaine's sentiments on this question may be seen from the following letter by Neal Dow to Rev. C. Clark, editor of a prohibition newspaper in New Jersey:

> DEAR SIR: Your note of the 4th instant has just reached me. In answer to your inquiry I say: I have had many letters from different parts of the country making inquiries about Mr. Blaine. My reply has been that he has always been a friend of the Maine law and has many times rendered important service to it. He is in favor of the proposed constitutional amendment and will vote for it. He is also a teetotaler and has been so several years.
>
> The Republican party of Maine has always made prohibition a part of its platform and conceded to the people at the last Legislature an opportunity to vote on the question of constitutional prohibition, as it is the undoubted right of the people to do. The temperance men of Maine, therefore, may properly be loyal to the party which has a just claim to their support. But outside of this State, Vermont, Kansas and Iowa, the Republican party has no claim whatever upon temperance men for help at the ballot box.
>
> We, the temperance men of Maine, are firm in the conviction that our object, the prohibition and suppression of the liqnor traffic, can never be attained except by independent political action. The sooner that policy is resorted to and vigorously pursued the sooner we shall win. Respectfully,
>
> NEAL DOW.
>
> PORTLAND, Me., July 8, 1884.

Democratic Principles.

The Democratic party favors the largest personal liberty compatible with the welfare of the State, and leaves the regulation of appetites to moral and religious influences, believing those agencies are the most effective and the most in harmony with the principles of free government.

It therefore approves and indorses the action of those citizens who recently organized a National Protective Association to protect their personal liberties from officious and undemocratic infringement, and who expressed their protest in the following platform:

> We hold that the constitution of the United States, based on the declaration of independence, guarantees the enjoyment of personal, civil, and religious liberty and the pursuit of happiness, and warrants the enactment of no laws which seek to abridge or restrict the same; that all existing prohibitory laws or contemplated legislation, which tend to abridge personal rights, are tyrannical infringements on constitutional guarantees, and should be respectively repealed and opposed; that all Sunday laws which abridge religious liberty and prevent the working classes from enjoying the public libraries, museums, art galleries, and public parks, are tyrannical and unjust, and should be repealed, for Sunday was made for man, and not man for Sunday; that the "public school system" is the bulwark of our institutions, and must be kept clear and free from all sectarian influence and interference; that all organized ecclesiastical interference in civil affairs is in violation of the spirit and letter of the constitution, the genius of American institutions, and is demoralizing and pernicious, and must be restrained; that all private and corporate property, whether real or personal, should bear the burdens of taxation equally.

Protection of American Citizens Abroad.

Republican Neglect.

During Mr. Blaine's administration of the State Department in 1881, the Republican neglect of citizens abroad called for a stinging rebuke from Democratic leaders.

Early in that year the history that preceded the war of 1812 began boldly to repeat itself. American citizens temporarily resident in Ireland were thrown into prison under the infamous "Coercion Act" of Great Britain. These men were convicted of no crimes; they were simply *suspected* of sympathy with the cause of Ireland. Vain efforts were made by individual friends and by societies to have positive and effective action taken by our Government on behalf of these unfortunate persons.

The law upon this subject is as follows:

SECTION 2,000, REVISED STATUTES. *All naturalized citizens of the United States while in foreign countries are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.*

Sec. 2,001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and, if it appear to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen; and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

Notwithstanding this sacred obligation the neglect assumed alarming proportions.

The principal cases were those of O'Mahoney, McSweeney, Boynton, O'Connor, Walsh, McEnery, Hart, Daly, White, and McCormack.

Case of O'Mahoney.

Henry O'Mahoney was imprisoned under the coercion act June 4, 1881. He presented his case to Mr. Lowell, U. S. Minister to London, asking him to procure him a speedy trial or liberation. To this request Mr. Lowell, while *acknowledging his title to citizenship,* regardless of the plain and mandatory words of section 2000 R. S., above quoted, replied in effect that England had a right to arrest all persons domiciled in the proclaimed districts, and that it was "manifestly futile to claim that naturalized citizens of the United States should be exempt from its operation."

Mr. O'Mahoney's wife addressed a letter to E. P. Brooks, Consul at Cork, requesting his interference to secure her husband a speedy trial, and forwarded his naturalization papers. Mr. Brooks, in a letter to Adam Badeau, Consul-General at London, says: "I explained to Mrs. O'Mahoney that no interference by me could possibly effect the result she sought."

The following speaks for itself:

Mr. Lowell to Mr. O'Mahoney.

"LEGATION OF THE UNITED STATES,
"LONDON, July 19, 1881.

"SIR: I have your letter of the 15th instant. I am waiting instructions from home before taking action in such cases as yours.

"It is my opinion, however, and in this I shall probably be sustained by the Department of State, that the fact of being an American citizen cannot of itself operate to exempt any one from the penalties of a law which he had violated, and *that it will be necessary to show that some exceptional injustice had been practiced in any particular case before the American Minister can be called upon to intervene.*

"I am, sir, your obedient servant,
"J. R. LOWELL."

Mr. O'Mahoney had informed Mr. Lowell that all he asked was his interference *to obtain a speedy trial.* Our representative, however, evaded this direct request by assuming that he asked protection from the verdict on the crime charged.

Mr. O'Mahoney's citizenship was established beyond question. He was discharged from the United States Navy in 1865. He remained in this country until 1874. Then sojourned in Ireland until 1879. In February, 1880, he obtained naturalization papers at Lockport, N. Y. In January, 1881, he returned to Ireland to dispose of his property and bring his family to this country. That his citizenship was admitted, and with it his right to the benefit of section 2001, above quoted, is shown by the question of U. S. Consul Brooks: "Suppose the British Government were to permit your release from prison upon condition of your immediate return to the United States, would you accept such terms?"

This question presupposed belief of his innocence of the alleged crime of attempted murder by the British Government, and his honor and the honor of our country demanded his trial.

Mr. O'Mahoney to Mr. Lowell.

"LIMERICK PRISON, July 21, 1881.

"DEAR SIR: I quite agree with you when you state that an American citizen should not be exempt from the penalties of a law which he violates, and that it would be necessary to show that some injustice had been practiced before your intervention, and I respectfully submit the following facts for your kind consideration:

"1st. That I am arrested charged with a crime.

"2d. That I am detained in prison without a shadow of evidence against me.

"3d. That I am debarred of the right of proving my innocence in connection with the crime that I am suspected of. Therefore all the favors I ask (and I think I should claim it as right) from the United States Government, through you, is a trial, in order that I may show that there is exceptional injustice practiced in my case. Therefore I repectfully ask your intervention to grant me a trial, and by so doing I will not only be able to prove myself innocent of the charge that I am accused of, but of any other crime punishable by law, except being a member of the Land League, an organization which the Prime Minister himself declared to be perfectly constitutional.

"An early reply will oblige yours, respectfully,
"HENRY O'MAHONEY.

"P. S.—Kindly let me know if you can demand an impartial trial for me; if not I I shall ask for no other favors.
"H. O'M."

Case of McSweeney.

Daniel McSweeney, an American citizen, for twenty years a resident of San Francisco, Cal., was dragged, ill in health, from the bosom of his family on June 2, 1881, and lodged in Dundalk Jail.

Mr. McSweeney to Mr. Lowell.

"DUNDALK JAIL, June 7, 1881.

"SIR: I am an American citizen, having resided twenty-five years in the United States, twenty of which I spent in San Francisco, Cal. During that time I never was either charged, accused, or even suspected of any crime, nor in fact never was accused of any crime in my life, until on the 2d of the present month my house was surrounded by an armed force and I was forcibly dragged from the bosom of my family and lodged in jail.

"The charge against me now is, inciting persons to unlawfully assemble and commit riot and assault. Now, there was no unlawful assembly, no riot or assault committed in the district from which I was arrested, neither was there any incitement to commit such. The government kindly furnished me with a shorthand reporter who carefully took down every word I said in the English or Irish language, and I challenge him, or the government, or all the landlords in Ireland, to prove that I uttered one word which could by any possibility be construed to mean incitement to crime. On the contrary, from every platform I advised the people to commit no crime, to violate no law, but to carefully work within the lines of the constitution.

"Now, sir, I want a fair trial; if I am innocent, I want, as an American, to be released; I want to know if my naturalization papers are worth preserving; whether, when an American leaves home his mouth must be sealed, though slavery in its worst form should exist in every country through which he may travel.

"Yours, respectfully,
"DANIEL SWEENEY."

Again, in utter disregard of sections 2000 and 2001 R. S., Mr. Lowell evades the request for a fair and speedy *trial* thus:

Mr. Lowell to Mr. McSweeney.

"LEGATION OF THE UNITED STATES,
"LONDON, September 22, 1881.

"SIR: I have to acknowledge the reception of your letter of the 17th instant.

"I have not thought it proper to make any application for your release from prison for the following reasons:

"The coercion act, however exceptional and arbitrary, and contrary to the spirit and fundamental principals of both English and American jurisprudence, is still the law of land, and controls all parties domiciled in the proclaimed districts of Ireland, whether they are British subjects or not. It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operatien.

"The only case, in my opinion, in which I ought to intervene, would be where an American citizen who is in Ireland attending exclusively to his private business and taking no part whatever in public meetings or political discussions, should be arrested. Under such circumstances it would be proper to appeal to the courtesy of the government here on the ground of mistake or misapprehension, and ask for the release of the prisoner.

"I have communicated these views to the Department of State, and I have received, so far, no instructions in a contrary spirit.

"It does not appear to me that the reasons above given for intervention exist in your case so far as I understand it.

"I am, sir, etc.,
"J. R. LOWELL.

The just, the patriotic indignation of an American citizen roused by this shameless epistle finds expression in the following words of McSweeney:

"*Mr. Sweeney to Mr. Lowell.*

"DUNDALK JAIL, September 27, 1881.

"SIR: A letter bearing your signature, dated from the Legation of the United States, London, of the 22d instant, is received by me in my prison cell in Dundalk. I am unwilling to believe that this letter is the production of an American gentleman, much less the American gentleman representing the United States at the Court of St. James. I cannot believe that an American gentleman would treat the appeal of an American citizen in prison with contempt, therefore permit me to presume that you signed the letter in question by mistake, but as your signature is attached to it I may be permitted to analyze it, and if possible, ascertain your meaning.

"The reasons which you say influence you in not making an application for my release are not, in my opinion, good and sufficient reasons. But I will quote your own words and leave the public on both sides of the Atlantic to judge:

"'The Coercion act, however exceptional and arbitrary, and contrary to the spirit and fundamental principles of English jurisprudence, is the law of the land.'

"That the coercion act is the law of the land no one will dispute, but many will be inclined to the belief that the *absence* of coercive measures would be exceptional.

"'It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation.'

"Here we learn for the first time that there is a distinction between naturalized and native-born American citizens regarding their right to claim protection abroad; but it is evident that you are laboring under a misapprehension with regard to my claim. I did *not* claim to be excepted from its operations; my claim is based on the fact that I did not violate any law.

"'The only case, in my opinion, in which I ought to interfere would be when an American citizen who is in Ireland attending exclusively to his own business and taking no part whatever in public meetings or political discussions should be arrested, it would be proper to appeal to the courtesy of the British Government for the release of the prisoner.'

"So that, in your opinion, the only right which an American citizen could claim abroad would be an appeal to the courtesy of the Government who might deprive him of his liberty. But should an American be so imprudent as to take part in a public meeting, say a prayer-meeting, or engage in any political discussion with a Frenchman, a German, or even a Zulu, according to your opinion, he would forfeit all claim not only to protection, but even to an appeal to *courtesy*. This throws new light on the question of American citizenship.

* * * * * * * * * *

"One would naturally expect that a gentleman intrusted with the important mission of United States Minister at the English court should at least make a dignified reply to what some gentleman occupying similar position might consider an insult. But on the contrary, sir, you seem to have given up the fight, which, in my opinion, could not have been a very determined one, and you sent me a message to my prison cell, where I have been confined for over four months, and where I have to pass eighteen hours each day in a space six by twelve, and you tell me that you have abandoned me to my fate; that you would not intervene any further in my behalf. It will not be clear to the public that you did intervene very far.

* * * * * * * * * *

"British subjects took part in public meetings and political discussions in the United States during the slave troubles. Had the American Government cast them into prison and sentenced them to a term of imprisonment without trial, and refused to give the British minister at Washington any information respecting the charge against them, what would the British minister do 'under these circumstances'? Fold his arms, take the matter good naturedly, send a message to the British subjects in prison that he 'did not think it proper to intervene,' or demand his passport?

Yours, respectfully,
"DANIEL SWEENEY."

On April 15, 1882, the Senate having under consideration a resolution condemning the dilatory and unpatriotic course of the State Department, Mr. Voorhees said:

"Sir, what is the attitude of the American Government at this time on this momentous question? Is it one which inspires a feeling of satisfaction and pride in the American heart? I appeal to the record. On the 9th day of the last month this body made inquiry in the following form after the condition of a citizen of the United States then confined in a British jail:

Whereas, It is alleged that Daniel McSweeny, a citizen of the United States, and lately a resident of the State of California, while peaceably sojourning in England, has without just cause been imprisoned by the British Government; be it therefore

Resolved, That the Secretary of State be, and is hereby, instructed to ascertain the cause for the alleged imprisonment of the said Daniel McSweeney, and make report to the Senate at the earliest day possible.

"On the 20th day of March, eleven days after the passage of this peremptory resolution, the Secretary of State transmitted to us his answer. Every particle of information on the subject was in his hands when the resolution reached him, and could have been reported in twenty-four hours had he reported 'at the earliest day possible,' as instructed. The American State Department, however, has always, in late years, taken its greatest leisure and proceeded most slowly when an American citizen was in a foreign prison, and this diplomatic custom was not broken in the present instance. But, sir, prepared as I was for the exhibition of a weak foreign policy on our part, I was utterly amazed at the contents of the communication from the Secretary of State in this case. It appears that Daniel McSweeny was arrested June 2, 1881, now more than ten months ago, and that he has suffered in prison from that day to this. He was dragged from a bed of sickness, in the presence of his wife and children, by British constables. He was guilty of no crime, not even the shadow of any crime known to the laws of any civilized nation on the face of the globe. No one will pretend that he was; no one will rise here and say so. If the party so long in power in this Government has a friend on this floor who will risk his reputation in trying to point out the guilt of McSweeney, I want to hear him. Let him stand forth at once and reconcile us if he can to the policy of the Republican party in relation to the foreign-born citizens. This extraordinary document from the State Department tells the whole miserable story. I challenge particular attention to dates. On the 3d day of August, 1881, Julia McSweeney wrote to the Secretary of State from the County Donegal, Ireland, in behalf of her husband, and her letter was received here in Washington on the 16th day of the same month. In that letter the brave, high-spirited wife, says:

"'Some four years ago I came with my family, on account of my husband's failing health, to reside temporarily in this country. I was aware that England claimed this island, but I was under the impression that Americans might venture to travel or reside abroad protected by their flag, but in this I was mistaken.'

"And then she proceeds, with a woman's keen sense of wrong and outrage, to describe the brutal arrest of her invalid husband. She continues:

"'It is not alleged that he committed any crime or violated any law. He, being an American citizen, immediately forwarded his naturalization papers, together with a solemn protest against this British outrage, to the American minister at London. That gentleman answered that the matter would be laid before one Granville, and that inquiries would be made as to the ground of his arrest.'

"And still there was no response to this American wife and mother. She invoked the justice of law for her husband, innocent of crime, and she asked in respectful terms whether she herself would be protected, or left to share his fate because she could not help sharing his opinions. She spoke for him, for herself, and for her virtually orphaned children. Sir, a government or the department of a government which in any age of the world's history would turn a deaf ear to burning words like these could not complain of being regarded with aversion and contempt in all quarters of the globe. A policy of silence and indifference under such circumstances is so unmanly and pusillanimous that every American head will be bowed with shame and every American heart filled with humiliation as the facts of this case become generally known. I feel degraded in my pride as a citizen of the American Republic when compelled to state, as I now do, with the communication of the State Department in my hand, that until six long and weary months to the prisoner after this Government had received his wife's letter not a single step was taken by the authorities here directing inquiry into the circumstances of his arrest, and then only when influenced to do so by other considerations, as I shall show, than a just appreciation of his claims to protection.

"Mr. JONES, of Florida—Will the Senator permit me to ask him a question, without interrupting him? Is McSweeney now in prison?

"Mr. VOORHEES—I understand so, as no notice whatever has been given of his release.

"The woman's appeal lay unheeded in the official pigeon-holes of the Department whose duty it was to protect her husband and all his family, but in the meantime the voice of such an outrage could not be stifled, and was finding its way to the public ear through more natural channels than the artificial and heartless methods of diplomacy. On the 23d of January, 1882, there was published in the San Francisco *Examiner* a letter from the prisoner himself. It was accompanied by an editorial in which it was stated, among other things, that—

"'The writer, Daniel McSweeney, was for many years a well-known and esteemed resident of San Francisco, doing business at the corner of Ninth and Howard streets, where he was engaged in the cattle trade.'

"That he had a large family, six of his children being with their mother in Ireland and two in San Francisco, and that Mrs. McSweeney's health was being rapidly undermined on account of her husband's unjust imprisonment. Mr. McSweeney's letter was written to his daughter in California, and its recitals are so simple, and yet so horrible, coming from a man whose rights as an American citizen are as perfect as yours, Mr. President, or as mine, that I cannot refrain from laying them again before the American Senate. The letter is written from "Dundalk jail," and is dated "December 12, 1881":

"'MY DEAR MAMIE: You must excuse me for not answering your last two letters sooner. Since winter set in I was unable, owing to severe cold in this dungeon, to sit still long enough to write even a few lines. I have to keep moving about continually in my narrow space to keep from freezing. You must know how dreadful it is to be locked up eighteen hours a day in this cold, damp climate, without any fire, and, worse still, we are compelled to stand or walk about daily for five hours in the open air, in a damp, muddy yard, ankle-deep in water, and then retire to our cold cells, trembling with cold. It requires a strong constitution to stand it long. I fear many of our brave fellows will succumb before the winter is over. As I was only sentenced for sixteen months, I thought at first I might live it out; but you know I was in delicate health when arrested, being barely able to move about after a severe attack of sickness.'

"Sir, this is a picture of wanton brutality such as barbarians alone inflict on prisoners, whether guilty or innocent. It shows that the spirit of torture, which for so many ages stained and blackened English history, is yet alive and active, and especially so when the victim belongs to a government whose administration cares nothing for his safety, and still less, if possible, for its own honor.

"But to continue Mr. McSweeney's letter:

"'All efforts on the part of your mother and all our friends failed to discover the cause of my arrest. I appealed to Mr. Lowell, United States Minister at London, for protection, but he answered that it is absurd for a naturalized citizen of the United States to claim protection. He says that even an American citizen could only have recourse to an appeal to the courtesy of the British Government to be released. He added, in a later communication, that the British Government refused to give him any information about the charge against me, and that they snubbed him.'

"Strong as this statement is, contained in a letter written in jail from a father to a daughter, yet I will show that it is the exact truth when I come to comment on the dispatches and official conduct of Mr. Lowell, the American Minister at London. Mr. McSweeney, however, proceeds in his letter:

"'Your mother wrote to Mr. Blaine about my case, but that gentleman did not deign even a reply. I heard nothing whatever from him. * * * I am now in jail going on seven months, charged with no crime, and not even a shadow of suspicion that I violated any law; and when our American Minister asks a civil question about me he is snubbed, insulted, and his flag trampled on; but he does not appear to make much fuss about it, and the American Government takes no notice of the question any more than the king of the Sandwich Islands would.'

"Sir, I think Mr. McSweeney does injustice to the foreign policy of King Kalakaua in placing it as low and weak as our own. * * *

"But, sir, there is another feature in this case arising out of the correspondence before us which demands attention. The conduct of the American Minister at London and his conceptions of duty on a question of such vital moment are matters of paramount importance at this time. It will be remembered that Mr. McSweeney states in his letter to his daughter that he applied to Mr. Lowell for protection, and that he applied in vain. An inspection of Mr. Lowell's dispatches and letters on this point deepens and intensifies, if possible, the sense of American humiliation. The prisoner alleged in his application for protection not only that he was not guilty of any violation of law, but that he was not even notified of any criminal charge against him; that he was in prison without trial and without accusation. With this statement he forwarded his naturalization papers, concerning whose legality and sufficiency no question has ever been made. With the case thus made out before him the first step taken by the American Minister was such, I venture to say, as never before occurred in the diplomatic or judicial annals of the human race. On the 10th of June, 1881, he instructed the vice-consul at Belfast to ascertain the cause of arrest, and, if innocent—if innocent—to present the matter in the competent quarter, wherever that might be, and ask that Mr. McSweeney be released or brought to trial.

"I defy the records of the dullest-witted justice of the peace in the United States to equal in the stupid evasion of duty this amazing diplomatic paper. The vice-consul at Belfast was instructed to find out, if he could, the cause of McSweeney's arrest; then in some inconceivable and incomprehensible way he was to pass upon the entire question of this unfortunate man's guilt or innocence. It was to be done without a judicial trial for that had been refused; without witnesses, for the vice-consul had no power to call, swear, or examine them in such a case; without the presence of McSweeney himself, for he was in jail, and could not attend. Under the instructions of Mr. Lowell the prisoner, while in the Dundalk jail, with a British turnkey over him, was to be tried and convicted, or acquitted, without one single form of law, but simply in the void and empty mind of a vice-consul at Belfast. But the result of this trial, not in a court of law, but in the uninformed mental processes of the vice-consul, was perhaps to be the most astounding feature of this whole disgraceful business. The vice-consul at Belfast was instructed by the American Minister that if he found McSweeney innocent then he was to ask, not demand, but ask that he be released or brought to trial; and it seems from the dispatch that which measure of relief, release, or trial he would ask was left to himself to determine.

"If this is not the first time in the history of the nations of the earth that a man's right to a trial before the law was made to depend upon his ascertained innocence beforehand, then my reading is at fault. If it is not also the first instance in which a respectable government was ever known to shrink from demanding a fair and open trial for one of its own citizens imprisoned in a foreign country until his innocence was established, then I will confess that I have overlooked the degrading example which we are following. The dispatch of Mr. Lowell to the vice-consul at Belfast would be a farce if it were not a crime. It marks his total absolute unfitness for the place he holds. The man whose methods of thought, whose education and legal training could give birth to such a document as this, can not be trusted with the safety of American citizens or with the honor of this Government. He reverses every rule of human responsibility to civilized jurisprudence. He appears ignorant of the fact that every man is innocent in the eye of the law until his guilt is proven. He assumes McSweeney's guilt and requires his innocence to be established before his demand for a legal trial will be presented to the British Government.

"Instead of saying to the British Government that this man was an American citizen, that he denied all violation of law, that the law itself presumed him innocent, and that, therefore, he demanded for him a trial, Mr. Lowell's position was that only in case the vice-consul at Belfast should be satisfied of McSweeney's innocence was the request to be made for his trial or discharge.

"But what investigation, in point of fact, was made under the instructions of the American Minister into McSweeney's guilt or innocence? Absolutely none, whatever. It was enough that the guardian of American rights abroad was answered with insolent brevity that the prisoner was 'reasonably suspected,' not that he was charged upon oath or affirmation, not that he had been indicted by a grand jury or committed by an examining magistrate, not that he had committed a breach of the peace or been taken in the act of violating law, but that he was 'suspected' by some servile English detective of a feeling, not an act—a feeling in common with the enlightened and humane sentiment of the whole human race hostile to the colossal iniquity of British spoliation, rapine, lust, and murder in Ireland.

"Upon receipt of this atrocious answer, the American Minister, in utter abandonment of the laws of his own country and without pride or shame, announced that 'no further means of ascertaining the justice of the accusation were open to the vice-consul.' He never afterward officially broached the subject to the authorities of Great Britain. He tells us, indeed, that at a subsequent date Mr. McSweeney having asserted his innocence, he ventured unofficially, disrobing himself of all weight as a representative of this government, to communicate this circumstance, and to ask that the case might be considered favorably. Then, however, Mr. Lowell was completely and perpetually silenced by the curt and distinct reply of Lord Granville, 'that under no circumstances would his request be granted.' Brow-beaten, insulted, and without the proper spirit to resent arrogance or to execute American law, he sheltered himself under the expressed belief, as will be seen on page 7 of the published correspondence, that the prisoner was 'no more innocent than the majority of those under arrest.' 'No more innocent!'

"Mr. JONES, of Florida—On that point I wish the Senator would observe that the language of Lord Granville, as reported by Mr. Lowell to the State Department, is that under no circumstance would any explanation be given to the American Minister of the cause of the arrest of an American citizen, whether naturalized or native-born, beyond what could be found on the face of the warrant under which he was arrested.

"Mr. VOORHEES—I have the statement before me, and have so repeated it. 'No more innocent,' says the American Minister; there is no reason to suppose that McSweeney is any more innocent than the rest of them. Will any Senator rise in his place and risk his reputation by saying that a man who has given such an expression as that ought to be retained in any branch of the public service? Comparative innocence! Everybody is innocent until after a fair trial and a verdict of guilty, and yet the American Minister at

London dares, with infinite hardihood, to assume and assert that all the untried, unconvicted 'suspects' in British jails, who are citizens of the United States, are guilty, and that Daniel McSweeney is as guilty as the others. He does not know, he cannot know, whether this is true or false; I presume he does not care.

"But this is not all. Outside of and beyond the meagre and lifeless records of the Department of State, a few letters from the American Minister to the American in prison have found their way into the public press. They throw a light on our foreign policy at this time which ought to be fully understood and thoroughly condemned. I did not suppose that at this late day there was any doubt in any intelligent mind as to the equality of the naturalized with the native-born American citizen in his right to the protection of his government. I thought that question forever settled by the diplomatic writings of Cass, Marcy, Webster, and other great Secretaries of State in past generations. But in this it seems I was mistaken. The American Minister at London asserts a distinction between naturalized and native-born citizens of the United States as odious to every principle of justice as the ancient spirit of the alien and sedition laws. Let the following letter attest the truth of this statement:

LEGATION OF THE UNITED STATES,
London, September 22, 1881.

SIR: I have to acknowledge your letter of the 17th instant. I have not thought it proper to make any application for your release from prison for the following reasons: The coercion act, however exceptional and arbitrary and contrary to the spirit and fundamental principles of both English and American jurisprudence, is still the law of the land, and controls all parties domiciled in the proclaimed district of Ireland, whether they are British subjects or not. It would be manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation. The only case, in my opinion, in which I ought to intervene would be when an American citizen who was in Ireland attending exclusively to his own business, and taking no part whatever in public meetings or political discussions, should be arrested. Under these circumstances it would be proper to appeal to the courtesy of the government here on the ground of mistake or misapprehension, and ask for the release of the prisoner.

I have communicated these views to the Department of State, and have received so far no instructions in a contrary spirit. It does not appear to me that the reasons above given for intervention exist in your case so far as I understand it.

I am, sir, your obedient servant, J. R. LOWELL.

Mr. D. McSWEENEY.

"Here we find the terms 'naturalized citizen' and 'American citizen' used in contradistinction to each other. For the naturalized citizen Mr. Lowell says it would be manifestly futile to claim protection from the operations of an act of Parliament which he admits to be 'contrary to the spirit and fundamental principles of both English and American jurisprudence.' On the other hand, if 'an American citizen who was in Ireland attending exclusively to his own business, and taking no part whatever in public meetings or political discussions, should be arrested,' the representative of American honor abroad thinks he would venture to appeal to the courtesy of the British Government on the ground not of right, but of mistake or misapprehension. The rule of action here declared in behalf of the native American will excite the contempt of the civilized world, and yet it is somewhat less infamous than the policy laid down in reference to those whom our laws have adopted as citizens. There is a discrimination against the American of foreign birth inconsistent with American law and with the law of nations."

The above cases have been selected to illustrate the "sickening sycophancy" of our government to that of Great Britain at the sacrifice of our national honor. The other cases present no features noticeably different from those given. It is the same story, from beginning to end, of disgraceful subserviency, under the title of "diplomatic courtesy."

Interesting Correspondence.

The following extracts from correspondence on this subject will furnish some "mighty interesting reading:"

"*Mr. Barrows to Mr. McCormack.*

"CONSULATE OF THE UNITED STATES,
"DUBLIN, February 24, 1882.

"SIR: I am in receipt of yours of the 23d, and in reply beg to inform you that the fact of your being an American citizen confers upon you no immunity from arrest and imprisonment under the coercion act. The minister can interfere only:

"1st. When such person being in Ireland in the prosecution of his lawful private business, and taking no part in political meetings or partisan disturbances, has been arrested by obvious mistake; or,

"2d. When a distinction has been made to the disadvantage of the prisoner on the ground of his American nationality.

"The above are the decisions of Minister Lowell, under whose instructions I am acting. Should there be a peculiar hardship in your case, not affected by these decisions, please submit all the facts in the case, together with evidence of your American citizenship, and the matter shall have my prompt attention.

"I remain, etc.,
"B. H. BARROWS, United States Consul."

Mr. Barrows, reiterating the decision of Minister Lowell, seems to be better informed as to the effect of a British law than the mandates of an American act of Congress. Under the act of 1868 it was the duty of our Government to demand an immediate trial or release. Our representative, however, while an acknowledged citizen is languishing in a dungeon, spends the valuable time due to a suffering countryman in construing British laws.

"NAAS BASTILE, April 18, 1882.

"DEAR SIR: Herewith I forward you certificate of my American citizenship, and beg to request that you will lose no time in forwarding it to Mr. Lowell. I lost the original document, and in consequence of your reply to me last February, I neglected sending for a duplicate until the 20th ultimo. I trust that Mr. Lowell will lose no time in representing my case, as I am now undergoing my fourth month's imprisonment without the slighest shadow of a charge against me. Of course my business as a journalist and newspaper proprietor is suffering severely through this most wanton outrage perpetrated on me by the British Government, and I think it would be nothing more than ordinary justice that Mr. Lowell should demand compensation for me, for the losses which I have sustained. I shall expect at least that my trial or unconditional release will be demanded forthwith. Surely four months should be time enough for the British authorities to trump up a charge against me if they could, but I defy them to do so.

"It might be necessary for me to explain the slight difference between the name under which I was arrested and that of my certificate of citizenship. The name under which I was arrested is John R. McCormack, the R being used by me from my mother, whose name is Ryan, in order to distinguish me from several John McCormacks in Tipperary, amongst them three first cousins of my own. Of course I am prepared to prove that I am the actual person mentioned in the inclosed duplicate.

"Your faithful fellow-citizen,
"JOHN R. McCORMACK."

The following shows to what an extent was carried the "diplomatic courtesy" of the State Department. Nothing but ignorance or impertinence, barring "diplomatic courtesy," could possibly have sent the minister from England to complain to the Secretary of State of the wording of a resolution of the House of Representatives of the United States:

"*Mr. West to Earl Granville.*

"WASHINGTON, January 25, 1882. (Received February 12.)

"MY LORD: I have the honor to inform your lordship that the Committee on Foreign Affairs has reported back to the House a resolution to the following effect:

"'That the President be requested to obtain from the British Government a list of all American citizens, naturalized or native-born, under arrest or imprisonment by authority of said government, with a statement of the causes of such arrest or imprisonment, especially of such citizens as may have been thus arrested and imprisoned under a suspension of *habeas corpus* in Ireland, and if not incompatible with the public interest, that he communicate such information as he receives, together with all the correspondence now on file in the Department of State relating to any existing arrest or imprisonment of citizens as aforesaid;' upon which Mr. Robinson, of New York, made a violent speech, copy of which is herewith inclosed, against the British Government, and said, alluding to the prohibition of the importation of hogs into England from America some time ago, which created so much sensation, 'Oh! that we only paid as much attention, as much honor, to a live American citizen as we do to a dead Cincinnati hog!' I called Mr. Frelinghuysen's attention to the terms of this resolution, and to the language used in the debate upon it, but he said he had no knowledge of any such resolution as I had now alluded to, and which I showed to him, nor could he tell me what was likely to be the ultimate fate of it. I remarked to Mr. Freliughuysen that, although not much importance need be attached to such language as that used by Mr. Robinson, still the wording of the resolution was calculated to produce a bad effect, and might cause unnecessary irritation.

"Mr. Frelinghuysen said he would make inquiries as to what had taken place in the committee respecting the resolution."

"I have, &c.,

"L. S. SACKVILLE WEST."

Case of O'Connor.

In a recent interview in the *New York Herald* Hon. Perry Belmont states this case as follows :

One of the most characteristic cases, perhaps, was that of Dennis H. O'Connor. That case was brought to the attention of the Department of State about November, 1881. On the 14th of February, 1882, Mr. Cox of New York, brought it to the notice of the House. The facts then appeared to be these : Dennis H. O'Connor was naturalized as an American citizen in 1875. He had lived for some time in Ireland and was in business there, when in 1881 he was arrested as a 'suspect.' He was in ill health and his imprisonment was likely to prove very injurious if not fatal to him.

"Mr. P. C. O'Connor, the brother of the prisoner, in November, 1881, laid these facts in writing before the Department of State. In doing so he was supported in his request by the Mayor of Baltimore in a note of introduction"—and Mr. Belmont, turning to the files of the *Congressinnal Record* for February, 1882, indicated the following note, which was read by Mr. Cox in the course of a speech :

DEAR SIR—Permit me to present to your kind attention Mr. P. C. O'Connor, of this city, who desires to see you relative to his brother, a citizen of this conntry, who is under arrest in Ireland. I commend him as a gentleman of honor, character and intelligence.

With kind regards, very sincerely yours,

WILLIAM PINCKNEY WHYTE,
Mayor of Baltimore.

SECRETARY OF STATE, Washington, D. C.

"Under date of November 25, 1881," Mr. Belmont resumed, "a reply was made by the Department to Mr. O'Connor's statement of his brother's case. Here it is : "

Mr. Belmont pointed to the appended letter, which appears on the same page of the *Congressional Record* as that just given. It bears Mr. Blaine's signature, and the most significant passage of the document is the following :

The case of your brother, Mr. Dennis H. O'Connor, will take the same course as those which have preceded it, and I can only express the hope that the efforts in his behalf may result in his early liberation. In this connection I must, however, remind you that the act of Parliament under which Mr. O'Connor is held is a law of Great Britian, and it is an elementary principle of public law that in such case the government of that country in the exercise of its varied functions—judicial and executive—administers and interprets the law in question. The right of every government in this respect is absolute and sovereign, and every person who voluntarily brings himself within the jurisdiction of the country, whether permanently or temporarily, is subject to the operation of its laws, whether he be a citizen or a mere resident, so long as in the case of the alien resident no treaty stipulation or principle of international law is contravened by the proceedings taken against him.

In stating this familiar principle no more is conceded to Great Britain than every country may of right demand, and it is one of the sovereign rights that the government of the United States has always insisted upon and maintained for itself.

"The whole point is whether or not a 'principle of international law was contravened' by the proceedings taken against Mr. O'Connor. There can be no doubt that a principle of international law was contravened, and such appeared to be the view afterward taken by the Department of State under Mr. Frelinghuysen. On the 14th of March, 1882, the Senate Committee on Foreign Relations received from Secretary Frelinghuysen a reply to a communication asking him what steps had been taken for the relief of the American citizens arrestod in Ireland under the Coercion act. Mr. Frelinghuysen said that on March 4, he had directed Minister Lowell, by cable, to ask that Americans detaincd under the Coercion act should he brought to a speedy trial. Mr. Lowell, the Secretary said, had replied by cable that he had carried out these instructions. This shows what even a very conservative Secretary of State might do for citizens imprisoned abroad.

Democratic Principles and Protests.

Senator Voorhees' Speech.

In protesting against the Republican indifference to the rights and liberties of our citizens abroad in the speech from which we have above quoted, Senator Voorhees stated the Democratic principles, as follows:

The security, the dignity, and the inviolability of American citizenship constitute, more than all other things combined, the strength and honor of this Government. Any policy emanating from any source which ignores in the slightest degree this great fact calls for prompt and stern condemnation. A government which is indifferent to the fate of its own citizens, whether at home or abroad, which fails to respond boldly and swiftly to their appeals for justice, and leaves them to waste away their lives in prison, untried, unconvicted, is unworthy of allegiance and ought not to have and will not long retain a respectable position among the independent powers of the earth. Duties are reciprocal between the Government on the one hand and its citizens on the other.

A failure to perform these duties by either party to the political compact is fraught with weakness, danger, and disgrace. If the citizen fails to keep upright faith with his Government, and bear true obedience to its laws in peace and in war, he weakens, and perhaps totally destroys his claim upon that Government for protection. If the Government itself, however, abandons the citizen to injustice and oppression, permits him to be stripped naked of all legal security or defense, turns a deaf ear to his just demands, and leaves him to suffer indefinite terms of imprisonment without trial, either in his own or foreign countries, no one will deny that the obligations of the citizen are at an end. And it is equally true that such an example of weakness, timidity, or indifference on the part of the Government must go far to shake the respect and attachment of the whole body of its people, and to render it contemptible in the eyes of neighboring nations.

* * * * * *

Lewis Cass, near the close of his long and illustrious life, while Secretary of State in 1859, interposing for the protection of an American citizen of German birth, held the following doctrine in a letter to the United States Minister at Berlin:

"The right of expatriation cannot at this day be doubted or denied in the United States. The idea has been repudiated ever since the origin of our Government that a man is bound to remain forever in the country of his birth. The doctrine of perpetual allegiance is a relic of barbarism which has been disappearing from Christendom during the last century."

Sir, this relic of barbarism, as it is here justly styled, has practically disappeared from every quarter of Christendom, except the American embassy in London and the British jails in Ireland. But still earlier than the letter of General Cass, from which I have read, the law of American honor, strength and glory was announced in such majesty of truth and power that I recur to it now in these degenerate days with the feeling of a traveler in the burning desert as he approaches the cooling, healing waters of a fountain in the depths of a grove. William L. Marcy; honored forever be his name! What American can read his immortal letter to Hulseman, touching the arrest and imprisonment of Martin Koszta by the Austrian Empire, without feeling his patriotism kindle into a flame and his pride of country rise high toward the zenith? On the 26th day of September, 1853, the great Democratic Secretary of State proclaimed the following grand utterances to the listening, expectant, and wondering nations of the earth:

"Whenever, by the operation of the law of nations, an individual becomes clothed with our national character, be he native-born or naturalized citizen, an exile driven from his early home by political oppression, or an emigrant enticed from it by the hopes of a better fortune for himself and his posterity, he can claim the protection of this Government, and it may respond to that claim without being obliged to explain its conduct to any foreign power, for it is its duty to make its nationality respected by other nations and respectable in every quarter of the globe. * * * International law looks only to the national character in determining what country has the right to protect. If a person goes from this country abroad with the nationality of the United States, this law enjoins upon other nations to respect him in regard to protection as an American citizen."

Koszta was not yet a citizen of the United States; he had simply declared his intention to become one. McSweeney's naturalization papers are full and complete. Koszta had a domicil in this country less than two years. McSweeney has resided, a well-known and respected business man, a quarter of a century in San Francisco. Yet, having laid down the principles of public law on the subject of American rights throughout the world, Mr. Marcy continues:

"Giving effect to these well-established principles and applying them to the facts in the case, the result is that Koszta acquired, while in the United States, their national character; that he retained that character when he was seized at Smyrna, and that he had a right to be respected as such while there by Austria and every other foreign power. The right of a nation to protect and require others to respect at home and abroad all who are clothed with its nationality is no new doctrine, now for the first time brought into operation by the United States. It is common to all nations, and has had the sanction of their practice for ages, but it is new that at this late period, when the United States assert a claim to it as a common inheritance, it should at once be discovered that it is a doctrine fraught with danger and likely to compromit the peace of the world. The United States see no cause for alarm; no reason for renouncing for themselves what others have so long and so harmlessly enjoyed."

Sir, these are high, heroic words, and they well became the occasion. An American sloop-of-war, the Saint Louis, Captain Ingraham, a son of South Carolina, commanding, had, with shotted guns and lighted matches, rescued in a distant sea, from chains, dungeons and certain death the person of a wanderer and an exile who had barely touched our shores, but who in that brief stay had clothed himself with the mantle of American nationality. The imperial house of Hapsburg demanded that the Government of the United States should deliver him up to Austrian vengeance; that it should disavow the conduct of Captain Ingraham and all the American agents in the affair; punish them severely, and then tender to Austria such satisfaction as she might deem proportionate to the outrage complained of. And in order to enforce this demand upon the United States, Austria applied to the principal powers of Europe, and actually induced them to warn and admonish this Government in regard to its duty in the premises.

It was under these circumstances, with the whole world looking on, and with all Europe in sympathy with Austria, that Marcy wrote his immortal communication to the representative of Austrian power and despotism. The Hungarian refugee was not delivered up; the conduct of Ingraham and the other American agents at Smyrna was not disavowed; they were not punished; they were honored, and no other kind of satisfaction than this was ever tendered to the Empire of Austria. [Manifestation of applause in the galleries.] Now an American Secretary of State is content for the British Government to inform him distinctly, through the American minister, that it is none of his business why American citizens are in British jails; that the cause of their arrest will not be given, and that they shall neither be tried nor released. The contrast is complete; it can go no further.

But it is said by the apologists of British arrogance and American pusillanimity that under the act of Parliament, known as the Coercion act, it is lawful for men and women to be arrested, sentenced, and indefinitely imprisoned who have committed no crime, and are charged with none, but who have fallen under the suspicion of the spies and informers of the British Government. We hear these unfortunate captives styled "suspects," not criminals, but "suspects."

They are not alleged to have violated any law, but they are suspected of an intention to discuss those questions, as old as human existence, which involve the scant measure of bread on their poor tables, and the hard beds on which they and their children sleep of nights. The law of sworn accusation, indictment, public trial, and conviction before imprisonment under sentence, has given way to the law of suspicion. There can be no more atrocious system of jurisprudence than this; there can be no blacker crime committed by a government against its own citizens, or those who happen to sojourn within its barbarous jurisdiction. Tiberius imprisoning and slaughtering Roman citizens upon suspicions poured into his ears by his infamous parasite, Sejanus, presented not such a spectacle of horror as the British Government in its policy towards Ireland now presents.

The evil-minded tyrant of Rome lived in a darker age than this. He was a heathen; this is the nineteenth century of the Christian era, and near its majestic close. Such an enactment as the Coercion act now in operation in Ireland cannot be law at this period of the world; it is the subversion of law; it openly assaults every element of justice, human and divine; it grapples with and seeks to overturn those immutable, eternal, inherent rights of man which are higher and stronger than all the acts of repressive legislation in the entire annals of despotism. If it is claimed that a government has the right to legislate for its own citizens as it pleases, even this cannot be admitted without qualification. The civilized nations of the earth are not compelled to stand silently by and see one of their number convert itself into a prison or a charnel house. International law recognizes a point where they may interfere in the interests of humanity. But I am only insisting now that Great Britain shall not be allowed to consign American citizens to chains and death, whatever she may do with her own, by virtue of an act which uproots, overturns, and annihilates every vestige of freedom and law.

I am insisting that when the American, "be he a native-born or naturalized citizen," goes abroad in the peaceful pursuit of his own affairs, whether of business or pleasure, the nationality which he carries shall protect him as well from judicial as from clandestine murder; from the illegal acts of foreign governments as well as from the brutal conduct of foreign mobs. Under existing treaties with foreign powers American citizens who happen within their jurisdiction are entitled to the best, not the worst, treatment which these powers can furnish to their own people. Less than this would render our citizenship delusion and a snare to all who relied upon it in the hour of need.

Sir, let us look this momentous question plainly in the face. We can less afford to ignore it or trifle with it than any other government on the globe. All our interests, traditions, and every sentiment of sacred honor bind us to the most vigilant protection of our citizens wherever they may be and whatever their nativity. The American Republic was established by the united valor and wisdom of the lovers of liberty from all lands. The Frenchman with his gay disregard of danger, the German with his steady courage, the Pole with his high enthusiasm, and the Irisnman with all these qualities combined were here in the long and bloody contest for American independence. La Fayette, the beloved of Washington; Hamilton, who rode by his side and assisted to organize the Government; Pulaski, who fell at the head of his legions at Savannah; De Kalb who died upon the field with all his sabre wounds in front; Montgomery, who gave up his life in the storm of Quebec; Steuben, the accomplished military organizer; Kosciusko, with his genius and daring; and large numbers of their followers and associates were born under alien skies and came to the banquet of battle and of death because of their love for human freedom. On every battle-plain of the Revolution, from Bunker Hill to Yorktown, the bones of their countrymen have long since crumbled to dust, and at every subsequent period of American history the foreign-born citizen, in council and in field, has been faithful to the common cause for which his ancestry bled.

There are nearly 10,000,000 American citizens and inhabitants now of foreign birth. They come not here as aliens in blood with race prejudices against them. They are our kindred; their blood and ours commingle. We are of a common parent stock. Shall they be denied the protection of those institutions which they helped to purchase at so dear a cost, and which they have done so much to uphold and honor? Sir, there are now five Senators on this floor who were born subjects of Great Britain—three in Ireland, one in Scotland, and one in England. Shall they fall under the law of suspicion if they should revisit their native homes, be arrested at the pleasure of the British Government, cast into dungeons without sworn charge, and held there indefinitely without trial? They are as liable to such a fate as Daniel McSweeney or any other naturalized citizen, and under the servile policy of the Department of State and Mr. Lowell, they would remain in their cells instead of returning to their seats in this body.

It has been announced that an eminent American woman contemplates a visit to her imprisoned son in Ireland. Mrs. Parnell would doubtless be arrested as a "suspect." There is a two-fold reason why the suspicion of British spies would haunt her; she is the mother of one who believes his people ought to have a chance to own their own homes, and who loves liberty and justice well enough to suffer for them; she is likewise the daughter of Stewart of the "Ironsides," who saluted the British flag on the high seas in 1812, to better purpose, and with far greater propriety, than the salute of October last at Yorktown. [Applause in the galleries.] I plead for the right of this woman, and of all women and men of foreign birth, or with foreign alliances, to visit their kindred, share in their joys and their sorrows, look upon the graves of their parents, and caress the loved ones they left behind them, without molestation or hindrance from any power whatever, as long as they break no law. This is not a question as to the people of any one nativity; it is not an Irish nor a German question; it applies to all naturalized citizens of every clime and land, and it affects their rights and their safety, on whatever sea or shore they may wander. It will be settled at no distant day in accordance with American honor. The people of the United States have too proud a sense of justice and of their own strength and glorious destiny to submit longer to the policy of a party which permits the American citizen, the American flag, and the American name to be outraged with impunity by foreign nations. [Applause in the galleries.]

Governor Cleveland's Sentiments.

Views Expressed When Mayor of Buffalo on the Release of the Irish Suspects.

When it became known in this country that Mr. Lowell had abandoned the Americans imprisoned in Ireland without formal accusation, trial or conviction, the public indignation found expression in mass meetings to protest against his course, and about the time that the controversy culminated such a meeting was called in this city. It was held April 9, 1882, in St. James' Hall, and the Governor, who had been then three months Mayor of Buffalo, presided. On taking the chair he delivered the following address, which is certainly as frank and outspoken in utterance in regard to the duties of the American Government to its citizens abroad as any one need ask for :

"FELLOW CITIZENS—This is the formal mode of address on occasions of this kind, but I think we seldom realize fully its meaning or how valuable a thing it is to be a citizen. From the earliest civilization to be a citizen has been to be a free man, endowed with certain privileges and advantages, and entitled to the full protection of the State. The defense and protection of personal rights of its citizens has always been the paramount and most important duty of a free, enlightened government. And perhaps no government has this sacred trust more in its keeping than this, the best and freest of them all ; for here the people who are to be protected are the source of those powers, which they delegate upon the express compact that the citizen shall be protected. For this purpose we choose those who for the time being shall manage the machinery which we have set up for our defense and safety.

"And this protection adheres to us in all lands and places as an incident of citizenship. Let but the weight of a sacrilegious hand be put upon this sacred thing, and a great strong government springs to its feet to avenge the wrong. Thus it is that the native-born American citizen enjoys his birthright. But when, in the westward march of empire, this nation was founded and took root, we beckoned to the Old World and invited hither its immigration and provided a mode by which those who sought a home among us might become our fellow citizens. They came by thousands and hundreds of thousands ; they came and

'Hewed the dark old woods away,
And gave the virgin fields to-day ;'

they came with strong sinews and brawny arms to aid in the growth and progress of a new country ; they came to our temples of justice and under the solemnity of an oath renounced all allegiance to every other State, potentate and sovereignty, and surrendered to us all the duty pertaining to such allegiance. We have accepted their fealty and invited them to surrender the protection of their native land.

"And what should be given them in return? Manifestly, good faith and every dictate of honor demands that we give them the same liberty and protection here and elsewhere which we vouchsafe to our native-born citizens. And that this has been accorded to them is the crowning glory of American institutions. It needed not the statute which is now the law of the land, declaring that all naturalized citizens, while in foreign lands, are entitled to and shall receive from this government the same protection of person and property which is accorded to native-born citizens, to voice the policy of our nation.

"In all lands where the semblance of liberty is preserved, the right of a person arrested to a speedy accusation and trial is, or ought to be, a fundamental law as it is a rule of civilization. At any rate, we hold it to be so, and this is one of the rights which we undertake to guarantee to any native born or naturalized citizen of ours, whether he be imprisoned by order of the Czar of Russia or under the pretext of a law administered for the benefit of the landed aristocracy of England. We do not claim to make laws for other countries, but we do insist that whatsoever those laws may be they shall, in the interests of human freedom and the rights of mankind, so far as they involve the liberty of our citizens, be speedily administered. We have a right to say and do say that mere suspicion without examination on trial is not sufficient to justify the long imprisonment of a citizen of America. Other nations may permit their citizens to be thus imprisoned. Ours will not. And this in effect has been solemnly declared by statute.

"We have met here to-night to consider this subject and inquire into the cause and the reasons and the justice of the imprisonment of certain of our fellow-citizens now held in British prisons without the semblance of a trial or legal examination. Our law declares that the Government shall act in such cases. But the people are the creators of the Government. The undaunted apostle of the Christian religion, imprisoned and prosecuted, appealing centuries ago to the Roman law and rights of Roman citizenship, boldly demanded ; 'Is it lawful for you to scourge a man that is a Roman and uncondemned?' So, too, might we ask, appealing to the law of our land and the laws of civilization : 'Is it lawful that these, our fellows, be imprisoned, who are American citizens and uncondemned?' I deem it an honor to be called upon to preside at such a meeting, and I thank you for it. What is your further pleasure?"

In further illustration of the protection Americans abroad may expect from Governor Cleveland, we reproduce the following from a recent letter to the New York *Herald* by Wm. H. Hurlbert, who has recently given the subject very thorough examination. He says :

It is of good omen for the Democratic party that it invites the country to put the control of this great issue into the hands of a President trained as Governor Cleveland has been in that great school of executive responsibility from which the ablest managers of the State Department, without distinction of party, have been graduated from the days of ex-Governor Marcy down to the present time.

There are two great Declarations of Independence in our American history.

On the 4th of July, 1776, Thomas Jefferson drew up for the British colonies in America the declaration of their right, as organized communities, to decide for themselves the political conditions under which they would exist.

On the 20th of September, 1853, ex-Governor Marcy, of New York, as Secretary of State of the United States, under a Democratic administration, drew up and presented to the world another and a scarcely less memorable declaration.

In his reply, then made, to the demand of Austria for the surrender of Martin Koszta, a born subject of the Austrian Emperor as King of Hungary, who had taken part in the Hungarian insurrection under Kossuth, escaped to America and declared his intention to become an American citizen, Secretary Marcy once and once for all made an end of the European feudal doctrine of the indelible allegiance of the individual as impressed on him at his birth.

This was the Democratic doctrine of ex-Governor Marcy. This, we may be sure, will be the Democratic doctrine of President Cleveland. Great Britain, after an obstinate resistance of sixty years, found herself compelled in 1871, by the able diplomacy of another ex-Governor of New York, Mr. Hamilton Fish, formally to acquiesce in this Democratic doctrine.

Our Foreign Policy.

Importance of the Subject.

New foreign markets for our surplus products and manufactures is one of the most pressing demands of the day. The American people think that a century is enough for the adjustment of sectional rivalries, and that the time has now arrived when the public mind must not be limited to the consideration of home affairs. They believe that 2,000,000,000 consumers in the markets of the whole world will do more to relieve the farmer, the laborer, and the manufacturer than a limited home market of but 55,000,000 consumers.

An examination of our trade statistics shows the following remarkable, and we might say, startling and disgraceful facts, viz :

But *two per cent.* of our annual manufactures are sold abroad, notwithstanding there are fifteen sister Republics south of us on the American Continent, exceedingly deficient in and in need of manufactured articles of nearly every description.

About eighty per cent. of our exports are, on an average, the products of agriculture.

Spanish-American Commerce.

Of our total annual exports, eighty per cent. go to Europe, and less *than five per cent.* to the fifteen Spanish-American Republics.

We allow the trade of those Republics to be monopolized by England, France, Germany and other European powers.

Recognizing the transcendent importance of a change in this respect, the Democratic Party has incorporated in its National platform, the following resolution :

" We favor an American continental policy, based upon more intimate commercial and political relations with the fifteen sister Republics of North, Central and South America, but entangling alliances with none."

The total annual imports of these Spanish-American Republics, and our share therein are, as stated in the last annual report of the State Department, as follows, in value :

	IMPORTS FROM ALL COUNTRIES.	IMPORTS FROM UNITED STATES.
Mexico	$35,000,000	$13,000,000
The five Central American Republics	10,100,000	1,626,000
The nine South American Republics	147,067,000	14,500,000
Total	$192,167,000	$29,126,000

Our share therein 15 per cent.

Their total annual exports, and our share therein, are in value as follows:

	EXPORTS TO ALL COUNTRIES.	EXPORTS TO THE UNITED STATES.
Mexico	$20,000,000	$8,317,000
The five Central American Republics	14,328,000	2,905,000
The nine South American Republics	201,579,000	23,288,000
Total	$235,907,000	$34,510,000

Our share therein 14 per cent.

It will be observed from the above statistics that we supply *less than one-sixth part of their demand,* and buy from them but about one-seventh part of their surplus supply.

The present commerce of these countries is, however, but a drop in the bucket compared with the enormous proportions it is bound to assume in the immediate future, owing to the tidal-wave of material development and progress which has already extended as far south as the City of Mexico and is destined to continue throughout the length and breadth of the fourteen other Republics beyond We, as a nation, cannot afford to sit still and see our European rivals reap the benefits of the coming commercial harvest.

The great value and importance of the Spanish-American trade is owing to the fact that those countries are in climate, resources, products, supply and demand, the reverse and complement of the United States. Commercial exchanges based upon such conditions are, therefore, most valuable, and in accordance with the fundamental laws of trade and political economy.

If we are ever to have new foreign outlets for our surplus manufactures they can best be found in these fifteen sister republics—countries in great need of railway iron and supplies, farming implements, wagons and carriages, cotton and woolen goods, boots and shoes, telegraph and telephone supplies, sewing machines, and the various other manufactures which we have to sell. As Senator Maxey of Texas, well said, in a recent speech in the United States Senate, in support of the bill to aid the World's Industrial Exposition at New Orleans: "The importance of securing the trade of Mexico and Central and South America cannot be overestimated. We must have an outlet for our surplus manufactured productions, or the shutting down of mills, the placement of workmen on half time, the reduction of wages, and strikes will inevitably follow. We cannot hope for an extensive market for our manufactured products in Europe, The most inviting field is the country south of us."

But we do not wish to be understood as asserting that the foreign policy of the Democratic party will be limited to Spanish-America for its doctrine of "peace, commerce, and honest friendship with all nations—entangling alliances with none," is broad enough to include the whole world.

We have selected these countries because they are to-day the most important, and because they best illustrate the dangerous policy which Mr. Blaine inaugurated while Secretary of State.

Dangerous Policy of Republican Party.

The nomination of Mr. Blaine as the standard-bearer of the Republican party, drew forth from the Press the following significant comments :

Those of the *Boston Herald* are of peculiar interest, for the reason that it is published in a city which has taken the lead in the railway development of Mexico. It says, editorially, June 27, as follows :

> The criticism we make of Mr. Blaine's foreign policy is, that it was not well calculated to commend us to the South American countries, or to secure an increase of our trade with them. As a matter of fact, our unwise interference between Chili and Peru, as the sponsors of an absurd guano claim, secured for us the ill-will of both of those countries.
>
> Mr. Blaine's policy did not seek peace and trade, or he did not know how to go to work to secure them. The conference of American republics was to be held in obedience to a call which excluded the consideration of commercial treaties.
>
> What we need—what would tend to increase our trade with the countries of South America—is a comprehensive policy of quite another character from that of "jingo" and guano. We need commercial treaties with those countries. Especially we need to be represented in them by able, honest men, who know something about commerce, instead of broken-down party hacks and "bummers," like Kilpatrick and Hurlbert, sent out by Mr. Blaine, and nearly all the official representatives of the United States in South America for fifty years.
>
> The trade of South America is not to be secured by patronage and taffy, but by honest dealing and respectful treatment. The leading men of the South American states are alienated by the condescension of American politician-statesmen. It is their great grievance in dealing with this country, and they will never enter a conference, the apparent object of which is merely to glorify the United States.
>
> Finally, there is no need of a conference, and there is no reason to suppose that it would lead to any important result. We need new commercial treaties and steamship lines, for the encouragement of which we are in favor of the most liberal policy.

In another editorial July 17th, the *Herald*, says:

> It may be said that Mr. Blaine, in spite of his desire to inaugurate a brilliant policy, and in spite of the fact that no national policy is so brilliant as a war policy, would have the coolness and determination to resist temptation, and would neither seize on the Panama canal nor abrogate the Clayton-Bulwer treaty, if he thought that the peace of the nation would thereby be jeopardized. We place very little confidence in arguments of this kind, for the good and sufficient reason that, if Mr. Blane is elected President, the men to whom he owes his nomination, and to whom he will owe election, will also dictate to him the policy which he is to pursue. He has been nominated because he is thought to be intensely and aggressively American, and, if he is elected, he cannot afford to, and will not, disappoint his admirers by proving to them that they have mistaken their man. We do not mean by this that the enthusiastic Republicans in the West would welcome a foreign war, but we do assert that the policy of which they approve would almost inevitably lead to that result, although at the present time we acquit them of having that conclusion in view in so strenuously advocating it. In intercourse between nations, a government cannot assert itself in an aggressive manner unless it is willing and prepared to follow up its demands with armed force. To make a demand, and to then back down from it when resistance is offered, is one of the most humiliating conditions into which a nation can fall, and yet the so-called American, or jingo, policy, for the development of which Mr. Blaine is pushed forward, is one which must lead us either to make demands and back them up with cannon and bayonet, or submit to ungracious snubs from those who are not disposed to yield what they consider their rights, unless they are compelled to do so by superior force.

From the Mississippi Valley, also, which is so deeply interested in the railway and commercial development of Mexico and the other states of Spanish America, comes an earnest protest against Mr. Blaine's foreign policy as illustrated by his acts while Secretary of State. In a speech, opening the campaign in St. Louis, Hon. James O. Broadhead said :

> Taking a business view of the matter, Mr. Blaine ought to be peculiarly objectionable to the people of St. Louis and the whole Mississippi Valley. He has made himself

obnoxious to our sister republics that lie south of us at a time when we are about to cultivate extreme friendly commercial relations with them. They fear his election because they fear it will bring disaster to them, and they have in various ways already given expression to these fears. During the short time Mr. Blaine was Secretary of State under Garfield, he alienated the good will of Mexico and one of the South American republics by his course toward them as Secretary of State. He attempted to interfere in the difficulties between Chili and Peru * * * * * and nearly succeeded in goading the republic of Chili into a declaration of hostilities toward us.

It is our interest, not only the interest of St. Louis and the Mississippi Valley, but of the whole country, to secure the commerce of these sister republics. The imports of these countries amount annually to nearly $500,000,000. We supply only one-sixth of this amount. We ought to supply nearly all of it. They need our manufactures—particularly the manufactures of the Western States. We need their raw materials. This trade ought to be secured by treaties of reciprocity, but the platform of the Republican party asserts that the duties on raw materials ought not to be abated. Unless they are abated we cannot build up a profitable export trade in manufactured articles.

Our true policy is that of peace. We want no war with our sister republics. They followed our example. They were born in the same atmosphere of freedom with ourselves and the course of humanity and justice, as well as our own commercial interests, require us to keep friendly relations with them.

Mr. Blaine is not our candidate. He antagonizes the interests of the people of this great valley.

Again, in a letter by the Hon. James Speed of Kentucky, who was Attorney-General in President Lincoln's Cabinet, we find the following:

The foreign relations of this country are pretty much in the hands of the President. During the short time Mr. Blaine acted as Secretary of State he exhibited such a view of international law as to make me believe that, should he be elected President, if he would not plunge us into needless foreign difficulties he would bring our diplomacy into disrepute and make us the laughing stock of the civilized world. No personal magnetism or brilliant sentences can compensate for such a blunder. To vote for him would be like voting against the peace and honor of my country. I cannot do that at the bidding of the Republican party.

These are but a few of the many adverse criticisms, from various parts of the United States, and from abroad of Mr. Blaine's foreign policy while Secretary of State. What, then, are the acts which call forth this condemnation.

The Chili-Peru Affair.

The voluminous record of the troubles between Chili and Peru, of the guano claims, which were so vigorously prosecuted by Mr. Blaine while Secretary of State, and of other matters in dispute between those Republics is too lengthy to reproduce in this connection. We can only give a few significant facts to illustrate the officiousness and dangerous drift of Mr. Blaine's course.

In February, 1882, the following resolution was adopted by the House of Representatives:

Whereas, it is alleged in the Chili-Peruvian correspondence recently and officially published, upon the call of the two Houses of Congress, that one or more ministers plenipotentiary of the United States were either personally interested or improperly connected with business transactions in which the intervention of this Government was requested or expected; and

Whereas, it is further alleged that certain papers in relation to the same subjects have been improperly lost or removed from the files of the State Department: Therefore,

Resolved, That the Committee on Foreign Affairs be, and they are hereby, instructed to inquire into the said allegations, and ascertain the facts relating thereto, and report the same, with such recommendations as they may think proper, and they shall have power to send for persons and papers.

In March, 1882, the following further resolution was adopted by the House:

Resolved, That the Committee on Foreign Affairs be directed to demand from Jacob R. Shipherd of New York, copies of all correspondence between himself and any person or persons whatsoever, and all papers and other evidence in his possession tending to show what said Shipherd did or attempted to do to enforce the claim of the Peruvian Company or to induce the United States to enforce this claim against Peru.

Under the authority of these resolutions the Committee entered into an extended investigation.

The minority report of Hon. Perry Belmont is as follows :

"The undersigned concurs in the general conclusions of the foregoing report of the committee, excepting so far as they are qualified by his statements in a speech delivered by him in the House, July 5, 1882. He also submits the following statement in regard to the Landreau claims :

"The claim is for services alleged to have been rendered by Theophile Landreau, a Frenchman, and amounts to a sum variously stated from seven millions three hundred thousand to one hundred and twenty-five millions of dollars. Precisely what those services were, or what amount of time, trouble, and money were expended in giving them, is not shown. The claimant and his friends confine themselves to vague and general allegations that they were very costly to him and important to the Government of Peru. They consisted in searching for deposits of guano. He did not begin this search nor prosecute it at the special request of the Peruvian Government, nor in pursuance of any contract or employment. He alleges that he undertook it because he was attracted by certain decrees and proclamations offering a reward of thirty-three per cent. for discovering property previously unknown and belonging to the government. He professed to believe and to have the private opinion of some distinguished Peruvian, whom he did not name, that he could, under these decrees and proclamations, entitle himself to the reward of thirty-three per cent. if he ascertained that any particular part of the public land contained guano. This was not a true construction of the decree, and he was probably conscious of it. He conducted his searches clandestinely, and whatever discoveries he made he kept to himself. Having made a "list" of the lands on which he said that he had found guano, and sealed it up, he offered to sell his secret to the government. It was bought, or at least a bargain was made for it, upon terms which would give the claimant an enormous fortune if his list was a true one. He alleges that the property on which he had found guano was worth four hundred millions. The government refused to pay on the basis of this list until it was verified by an examination of the lands, and declared that Landreau's demand was so large that it could never be paid ; but they were willing to pay him what he might reasonably deserve to have. They insisted, however, that they must be allowed time to examine the whole subject, with a view to the making of a new contract. This proposition was resented as a denial of justice. Much dispute followed, and a solemn declaration was made by the executive branch of the government that the contract was void. It does not appear that there was any absolute refusal to pay for the services which Landreau rendered, but the parties did not agree on the terms of a new bargain.

"This action of Peru gave rise to much harsh denunciation. Landreau and his supporters in that country and elsewhere loudly asserted that the government had contracted the guilt and infamy of a repudiating State. To the undersigned it does not appear so. What they refused to pay was not an ascertained and honest debt.

"The fact that Landreau thrust his services upon the Peruvian government ; that he gave the public authorities no notice of his intentions ; that he made no report to them of his progress ; that when the bargain was made the government was utterly ignorant of the subject matter it embraced ; that the officers consenting to it had no means of knowing what Landreau would claim under it except by reference to papers which were then close under seal and which Landreau would not permit them to open—these facts show it to have been at best a catching bargain, not sanctioned by any principle of public law or commercial morality. But, apart from all this, the enormous disparity between the services rendered and the compensation claimed for them under the contract is *per se* evidence of fraud so strong that no chancellor in the world would enforce it in a suit between private parties. The proper authorities were, therefore, perfectly justified in pronouncing the contract void.

"This decision upon the contract was made by the executive branch of the Peruvian Government ; the legislature, being appealed to, refused to say it was wrong ; and when the judicial courts were called upon by the claimant to enforce the contract they decided that they had no jurisdiction of such a cause. Undoubtedly the courts were right. No law of Peru gave the judiciary power to cite the Executive before it and rejudge its decision in such a case. In that country, as in this and every other, the decision of the Executive is final in matters of contract between the sovereign and an individual, except where some special provision submits it to the cognizance of a judicial tribunal.

"The claimant got a decision from the Executive. It was a right and true determination of the cause, and he falsely complained that justice was denied him. Justice was not denied him; it was given him by the only organ of the government which had jurisdiction of the parties or the subject-matter in controversy.

"After the decision of the Executive against him and the refusal of the legislature to interfere, and his failure in the courts, he applied to his own government—that of France—to aid him in getting his claim acknowledged and paid. But here he was met by his own express agreement that he should forfeit his claim if he proceeded or attempted to procure the diplomatic intervention of any foreign government in its favor. It will not be denied that this was a perfectly lawful provision, which could not be violated without incurring the stipulated penalty. It was a dependent covenant, and therefore an essential part of the contract. It was wise, necessary, and just to insert it. Peru was willing to make contracts with foreigners who would consent to put themselves on a level with her own citizens, but she would not embroil herself with foreign governments about the execution of contracts which concerned her own domestic affairs exclusively. The conclusion from this is that Landreau forfeited and completely lost whatever rights he might previously have had under the contract when he violated it by seeking the aid of France. But the government of France refused to interfere, either because its authorities saw that intervention would be *ipso facto* the legal destruction of the claim, or else because it was, in their opinion, originally dishonest and unjust. Yet Landreau pressed it upon them so persistently that it became necessary for the foreign office to instruct its diplomatic agents in Peru to have no communication with him.

"Being thus silenced by the adverse judgment of both Peru and France, the device was adopted of getting American influence to carry it. It might be supposed that the United States would be very slow to give its protection to a French claim of such character and with such a history. The pretenses upon which this was effected were very shallow.

"It seems that John C. Landreau, a younger brother of J. Theophile Landreau, had come to America when about eighteen years of age, and was living in Louisiana. Our authorities believed him to have become an American citizen, but that fact is doubtful; for though he had a certificate of naturalization and was appointed to a consulate in the West Indies, which a foreigner could not hold, the records of the court in which he was said to have been naturalized contain no trace of such an act. However that may be, John C. Landreau was alleged, both by himself and his brother, to have an interest in the claim which made it the duty of the American Government to prosecute it.

"What connection had John C. Landreau with the claim of Theophile? None whatever that could justify or even excuse us for intervening. Certain letters between the brothers are produced which, if authentic and written at the time of their date shows that Theophile told John while he was prosecuting his searches for guano, what he was engaged in and how largely he hoped to profit by it. "For my part," he adds, "I take you for my partner and wait with anxiety for the five thousand dollars you promised to send me." Subsequently he acknowledges the receipt of six thousand two hundred and fifty dollars previously promised. On what account this remittance was made is not shown, but it was manifestly not a contribution of John to the capital of any partnership in Theophile's Peruvian adventure. There was never any agreement between them which bound John to share losses, or which entitled him to profits. Theophile prosecuted the business alone; there was no privity of contract between John and Peru; John was wholly unknown to that government, and his name was never mentioned in any of its dealings with Theophile.

"If we assume that John was an American citizen and that he had a secret interest in Theophile's contract by virtue of some unknown arrangement between themselves, is it not still preposterous to say that these facts would metamorphose the Frenchman's case into an American claim? At the beginning it was a French claim, if anything. France pronounced it unworthy of support. Did the claimant change his civic relations or the nationality of his demand by simply revealing the fact that a naturalized citizen of the United States had a secret interest in the success of the speculation?

"But notwithstanding the obvious impropriety of our intermeddling with this bad claim of a French adventurer, its supporters were ingenious enough to convince the State Department that we ought to do so. Mr. Fish, who at first would have nothing to do with it, was induced to say at a later period that it appeared to deserve examination; the officer whose duty it was to report upon its merits expressed an opinion strongly in its favor; a committee of this House went the length of instructing the President to prosecute it, by a joint resolution, which, however, failed to pass the Senate. Mr. Blaine, regarding the judgment of his predecessors as conclusively binding on him, and believing he could not go behind what he called the adjudication of this House, went in fact a long step beyond that.

"In all the discussions of the subject, American officers conducting them have ignored the fraudulent character of the original contract; the manifest justice of the decision made against it by the executive branch of the Peruvian government; the finality of that decision under the laws of Peru; the absolute renunciation expressed in the contract itself of all right to call in the aid of any foreign government; the refusal of the claimant's own government to support him in his demands; the absurdity of calling this an American claim merely because an American citizen was supposed to have a secret interest, not in the claim itself, but in the successful prosecution of it by a foreigner, and the total absence of all proof to show the existence even of that indirect interest. Overlooking these facts, and listening only to accusations against Peru, as false as they were vague, the authorities of this government became worked up to the point of asserting in solemn diplomatic form that Peru was bound in duty and honor either "to supply an impartial tribunal, extend the jurisdiction of the present courts, or else submit the case of Landreau to arbitration." Peru was addressed in this decisive style upon the subject of Theophile Landreau's false claim, after it was adjudicated against him by the only Peruvian tribunal which had any right to decide it, and after the government of France had resolutely and most emphatically refused to give it the slightest countenance. In the same dispatch the Secretary of State instructs the Minister at Lima not only to call the attention of the Peruvian government to "this injustice," but directs the Minister to say "that the United States will *expect* some adequate and proper means to be provided by which Landreau can obtain a judicial decision upon his rights." The minister is further instructed as follows: "As it may be presumed that you will be fully informed as to the progress of negotiations between Chili and Peru for a treaty of peace, you will make such efforts as you judiciously can to secure for Landreau a fair settlement of his claim."

"But this is not all. Anticipating that in a treaty of peace between Chili and Peru the latter might be compelled to surrender a portion of her territory, including possibly the guano deposits of which Landreau claimed to be the discoverer, he declared that the treaty should stipulate "for the preservation and payment to Landreau of the amount due under the contract."

"The Secretary, speaking for and in the name of the President, goes further. He declares that if a transfer of territory be made to Chili it shall be understood that Landreau's claim must be treated as a *prior lien*, and that Chili accepts the cession with that *condition* annexed. We do not suppose that the word *lien* is used here in its proper legal sense. The author of the dispatch meant to say that Chili must be made to take an estate in the territory subject to a paramount title in Landreau for such part as his claim covered; that the treaty must recognize Landreau's rights as being superior to those of the high contracting parties and *prior* to all others; and that Chili must not satisfy her own claim for expenses of the war without first indemnifying Landreau for the failure of his speculation upon Peru.

"This was certainly taking very high ground, and the Secretary of State expresses the determination of this government to hold it firmly; for he instructs the minister in conclusion: "You will *take especial care to notify* both the Chilian and Peruvian authorities of the character and status of the claim, in order that *no definitive treaty of peace* shall be made in disregard of the rights which Landreau may be found to possess."

"These acts of the State Department and of the minister are said in some quarters to be unofficial. When a minister plenipotentiary, in pursuance of express instructions from the Secretary for Foreign Affairs, comes between the authorities of two belligerent nations negotiating for peace with a *notification* addressed to both for the avowed purpose of preventing a treaty to which otherwise they might consent, it is impossible to say that the proceeding is unofficial. If the minister had violated his instructions by neglecting or refusing to give the notification, would he not have been justly chargeable with a breach of his official duty?

"In the case of a contract between a citizen of one country and the sovereign of another, the government of the private party has no right to do more than communicate the facts and express its opinion upon their effect. This is the exercise of good offices. Did we confine ourselves to good offices when we threw Landreau's claim between Peru and her victorious enemy, "so that no definitive treaty of peace should be made" without a provision for its ultimate satisfaction? Peru was engaged in a disastrous war, and we notified her that she should make no peace without settling Landreau's claim. Would we have proposed terms more harsh than these if we had threatened her with a war of our own? These were not good offices, not the impartial advice of a friendly mediator, but the urgency of a power intent upon forcing from her distress what her sense of justice had denied.

“Chili was as much averse to this proposed American basis of a treaty as Peru. Neither of them was willing to have anything to do with Landreau or his exploded fraud. It could not be expected that the successful belligerent would share the fruits of victory with him, nor would the conquered country voluntarily diminish its means of buying off the invaders of its soil. It was perfectly natural, therefore, that both parties to the war should reject the proposition with indignation.

“The dispatches of August 4 and December 16, 1881, say, in words too plain to be misunderstood, that no treaty could or should be made with the approbation of the United States unless it contained a stipulation in favor of Landreau. The words admit of no other construction. In the dispatch of August 4 the belligerents are to be notified that no definitive treaty shall be made in disregard of Landreau's rights. Did these words signify nothing? If they had a meaning, what was it? It is not possible to understand them except as an expression of our determination to look with extreme disfavor upon any ajdustment of the troubles between Peru and Chili which would not promote the interests of Landreau. It was a palpable effort to make Landreau a party to the treaty. Whatever concessions might be made by one of the belligerents to the other, our influence was to be used that both would yield to Landreau.

“The disgrace brought upon our government by producing this unjust demand at such a juncture of affairs was wholly without a shadow of excuse, even if the claimant had been entitled to our protection. But he was a French citizen, for whose fortunes, good or bad, we were in no way responsible.

“We volunteered to take up the case of this extravagant stranger after his own government had cast it off. The Secretary did not see this important point correctly—most likely did not advert to it all—therefore he called it “this claim of an American citizen,” which is a very confusing mode of speech. It was exclusively the claim of Theophile Landreau, who is not, and does pretend to be, an American citizen. If it be said that John C. Landreau is an American citizen, the answer is obvious that it was no claim of John's, for it is not founded on any contract or agreement with him, express or implied, and had not its origin in any transaction to which he was a party.

“The United States had a deep interest in bringing about a peace between Peru and Chili. As the leading power on this continent, our government was naturally looked to with the respect which national power always inspires, and it might easily have maintained the ascendency to which it was entitled. But when the belligerents perceived that, instead of counseling moderation and justice, our authorities were to use their influence to import false and foreign elements into the negotiations, all confidence in our friendly intervention was destroyed.”

We also invite attention to the following extract from one of Mr. Blaine's letters to Mr. Hurlburt (Aug. 4, 1881), particularly the last paragraph:

“While this government will not, as at present informed, undertake to construe the contract or to decide upon the extent of the compensation due Landreau, you are instructed to call the attention of the Peruvian Government to this injustice, and say that the Government of the United States will expect some adequate and proper means to be provided by which Landreau can obtain a judicial decision upon his rights. If the constitution of the Peruvian courts or the interpretation of the law by Peruvian judges deprives Landreau of the justice which the contract itself guaranteed him, then, in the opinion of this government, Peru is bound in duty and in honor to do one of three things, viz: Supply an impartial tribunal, extend the jurisdiction of the present courts, or submit the case of Landreau to arbitration. I desire also to call your attention to the fact that in the anticipated treaty which is to adjust the relations of Chili and Peru, the latter may possibly be compelled to submit to the loss of territory.

“If the territory to be surrendered should include the guano deposits which were discovered by Landreau, and for the discovery of which Peru contracted to pay him a royalty upon the tonnage removed, then the Peruvian Government should in the treaty stipulate with Chili for the preservation and payment to Landreau of the amount due under his contract. If transfer be made to Chili it should be understood that this claim of an American citizen, if fairly adjudicated in his favor, shall be treated as a proper lien on the property to which it attaches, and that Chili accepts the cession with that condition annexed. As it may be presumed that you will be fully informed as to the progress of the negotiations between Chili and Peru for a treaty of peace, you will make such effort as you judiciously can to secure for Landreau a fair settlement of his claim. You will take special care to notify both the Chilian and Peruvian authorities of the character and status of the claim in order that no definitive treaty of peace shall be made in disregard of the rights which Landreau may be found to possess.”

In this connection the following testimony of Mr. Blaine before the committee, in response to questions by Mr. Belmont, becomes of interest:

Mr. BELMONT—Or either of them, because Mr. Trescot at that time was proceeding to Chili and Peru. Was not the effect of those instructions that General Hurlbut should take special care to inform both the Chilian and Peruvian authorities of the character and status of the claim of J. C Landreau, in order that no definitive treaty of peace should be made in disregard of the rights which Landreau might be found to possess?

The WITNESS—Yes.

Q. Was not the effect of those instructions to require General Hurlbut to insist that Chili should stipulate, in a treaty of peace, that if it should be decided by the Peruvian Government that J. C. Landreau had a lien on any territory ceded to Chili, that Chili should thereupon recognize that lien?—A. Yes; that he should make that request.

Q. If Chili had refused to make such stipulation, would not General Hurlbut have been bound to resist, to the extent of his influence, the signing of a treaty of peace without the stipulation?

The WITNESS—What had he to do with the signing?

Mr. BELMONT—I have not finished. Now, Mr. Blaine, without any more nonsense——

The WITNESS—Well, I am very glad to hear that, Mr. Belmont; I am very glad to hear it, indeed.

Mr. BELMONT—Now, will you answer the question?

The WITNESS—If you will state it again I will.

Q. I ask if Chili had refused to make such stipulation, would not General Hurlbut have been bound to resist, to the extent of his influence, the signing of a treaty of peace without the stipulation?—A. Yes, sir.

Q. He would?—A. Yes, sir. I admit that he ought to have used all his influence to prevent a treaty of peace that should shut out the rights of an American citizen.

Q. You say that he would?—A. Yes, sir. He would have been censurable if he had not.

Q. Well, you have given the answer I was seeking.

In further illustration of Mr. Blaine's officiousness, we quote as follows from his letter of instructions (Dec. 1, 1881) while Secretary of State to Mr. Trescott, whom he was about sending on a mission to South America:

"In giving the support of recognition to the Calderon government, so far was this government from doing what could be considered an unfriendly act to Chili that it was, in fact, giving aid to the very policy Chili avowed, and which, in the opinion of competent judges, was the only method of reasonable solution. And this conclusion of the government was strengthened and confirmed by the information which was transmitted to the department by Gen. Kilpatrick, United States Minister to Chili. * * * As soon as the facts indicated the possibility of real and independent vitality in the constitution of the Calderon government, the Chilian authorities issued an order forbidding any exercise of its functions within the territory occupied by the Chilian army that is within the entire territory west of the mountains, includingthe capital and ports of Peru. Unable to understand this sudden and—giving due regard to the professions of Chili—this unaccountable change of policy, this government instructed its minister at Lima to continue to recognize the Calderon government until more complete information would enable it to send further instructions. If our present information is correct, immediately on receipt of this communication they arrested President Calderon, and thus, as far as was in their power, extinguished his government. The President does not now insist on the inference which this action would warrant. He hopes there is some explanation which will relieve him from the painful impression. It was taken as a resentful reply to the continued recognition of the Calderon government by the United States. If, unfortunately, he should be mistaken, and such motive be avowed, your duty will be a brief one. You will say to the Chilian government that the President considers such a proceeding as an intentional and unwarranted offence, and you will communicate such an avowal to the Government of the United States, with the assurance that it will be regarded by the Government as an act of such unfriendly import as to require the immediate suspension of all diplomatic intercourse.

* * * * * * * *

"Should the Chilian Government, while disclaiming any intention of offence, maintain its right to settle its difficulties with Peru without the friendly intervention of other powers, and refuse to allow the formation of any government in Peru which does not pledge consent to the cession of Peruvian territory, it will be your duty, in language as strong as is consistent with the respect due an independent power, to express the disappointment and dissatisfaction felt by the United States at such a deplorable policy.

* * * * * * * *

"The United States, with which Peru has for many years maintained most cordial relations, has a right to feel and express deep interest in its distressed condition, and while with equal friendliness to Chili, we will not interpose to deprive her of the fair advantages of military success, nor to put any obstacle to the attainment of future security, we cannot regard with unconcern the destruction of Peruvian nationality. If our good offices are neglected, and this policy of the absorption of an independent state be persisted in, this Government will consider itself discharged from any further obligation to be influenced in its action by the position which Chili has assumed, and will hold itself free to appeal to other republics of this continent to join it in an effort to avert consequences which cannot be confined to Chili and Peru, but which threaten with extremest danger the political institutions, peaceful progress, and liberal civilization of all America."

Boundary Between Mexico and Guatemala.

Mr. Blaine's officiousness in matters in dispute between the two sister republics, Mexico and Guatemala, may be seen from the following extracts from official correspondence between him, while Secretary of State, and Mr. Morgan, the United States minister at the City of Mexico.

In a letter to Mr. Morgan under date of June 16, 1881, Mr. Blaine wrote:

"Without, therefore, in any way prejudging the contention between Mexico and Guatemala, but acting as the unbiased councillor of both, the President deems it his duty to set before the government of Mexico his conviction of the danger to the principles which Mexico has so signally and successfully defended in the past which would ensue, should disrespect be shown to the boundaries which separate her from her weaker neighbors, or should the authority of force be resorted to in establishment of rights over territory which they claim, without the conceded justification of her just title thereto. And especially would the President regard as an unfriendly act toward the cherished plan of upbuilding strong republican governments in Spanish America, if Mexico, whose power and generosity should be a like signal in such a case, shall seek or permit any misunderstanding with Guatemala, when the path toward a pacific avoidance of trouble is at once so easy and so imperative an international duty."

In another letter to Mr. Morgan, June 21, 1881, Mr. Blaine wrote:

"This is a matter touching which the now-established policy of the government of the United States to refrain from territorial acquisition gives it the right to use its friendly offices in discouragement of any movement on the part of neighboring states which may tend to disturb the balance of power between them. More than this, the maintenance of this honorable attitude of example involves, to a large extent, a moral obligation on our part, as the strong but disinterested friend of all our sister states, to exert our influence for the preservation of the national life and integrity of any one of them against aggression, whether this may come from abroad or from another American republic, by his government to avert a conflict with Guatemala by diplomatic means, or, these failing, by resort to arbitration. And you will especially intimate, discreetly but distinctly, that the good feeling between Mexico and the United States requires, and will be fortified by a frank avowal that the Mexican policy toward the neighboring states is not one of conquest or aggrandizement, but of consideration, peace and friendship."

In a letter from Mr. Morgan to Mr. Blaine, July 12, 1881, he thus alludes to an interview had with Mr. Mariscal, Secretary of State of Mexico:

"In reply to the suggestion of the arbitrament of the President of the United States, he replied that whatever Mexico might be willing to accede to in the future, there was nothing at the present moment to arbitrate about. He said that Mexico had proposed to Guatemala to renew the convention for the appointment of a commission to survey the tract of country which was in dispute, that the question of the appointment of such a commission was pending, and that until that question should be decided there was, in reality, no dispute to submit to an arbitrator. He also declared that if there had been any delay in the appointing of such a commission, the fault was altogether with Guatemala. He also said that troops had been sent to the frontier, as the President had announced in his message to Congress, but that they were sent there for the purpose of protecting Mexican citizens, and not with any view of making war upon Guatemala.

Mr. Mariscal was very earnest in his denials of any cause of complaint on the part of Guatemala, and as to the want of any necessity of an arbitration, so much so, that I deemed it proper, in order that there might be no possible question hereafter, either as to the letter or the spirit of your instructions, or their interpretation by me, to read Senor Mariscal your dispatch, and offered to send him a copy thereof, which he accepted, and which I did."

In a letter from Mr. Morgan to Mr. Blaine, July 19, 1881, is the following allusion to another interview with Mr. Mariscal:

"Senor Mariscal manifested something of excitement, I thought, and interrupted me by repeating the complaints which Mexico had, as he said, just grounds to make against Guatemala; of her want of fair dealing, and, in fact, duplicity in pretending to negotiate a convention with him for the appointment of commissioners to survey the strip of territory which was in dispute, with the view of finally settling the boundaries between the two countries, while she had been secretly attempting to obtain the interference of the United States in their disputes, thus rendering the appointment of a commission unnecessary. He insisted upon it that it was Guatemala that had committed acts of aggression upon Mexico, instead of Mexico upon Guatemala."

In a letter from Mr. Morgan to Mr. Blaine, August 11, 1881, he again refers to an interview with Mr. Mariscal, as follows:

"Senor Mariscal said that he would not say that Mexico would altogether refuse the arbitration proposed, but that there were some points of difference between the two countries which could not, under any circumstances, be submitted to question."

In a letter from Mr. Morgan to Mr. Blaine, September 22, 1881, he draws the following significant conclusion, after reporting an interview with Mr. Mariscal:

"Senor Mariscal reiterated that if there should be a war with Guatemala it would be Guatemala's fault. He admitted that the course pursued by the United States was friendly in its character, although he persisted in saying the facts of the case had been misrepresented by Guatemala to you.

"We parted on the best of terms, but he left me more than ever convinced that nothing would prevent a war between the two countries unless a positive position was taken by the United States, and I venture to suggest that unless the Government is prepared to announce to the Mexican Government that it will actively, if necessary, preserve the peace, it would be the part of wisdom on our side to leave the matter where it is. Negotiations on the subject will not benefit Guatemala, and you may depend upon it that what we have already done in this direction has not tended to the increasing of the cordial relations which I know it is so much your desire to cultivate with this nation."

Upon Mr. Blaine's reply to the letter from which we have just quoted, officiousness is indelibly stamped. In it under date of November 28, 1881, he says:

"'To leave the matter where it is' you must perceive is simply impossible, for it will not remain there. The friendly relations of the United States and Mexico would certainly not be promoted by the refusal of the good offices of this Government tendered in a spirit of most cordial regard both for the interests and honor of Mexico, and suggested only by the earnest desire to prevent a war useless in its purpose, deplorable in its means, and dangerous to the best interests of all the Central American republics in its consequences. To put aside such an amicable intervention as an unfriendly intrusion, or to treat it, as I regret to see the Mexican secretary for foreign affairs seems disposed, as a partisan manifestation on behalf of claims which we have not examined and interests which we totally misunderstand certainly cannot contribute 'to the increasing of the cordial relations which you know it is so much our desire to cultivate with Mexico.'

* * * * * * * * * * *

"If this Government is expected to infer from the language of Senor Mariscal that the prospect of such a result is not agreeable to the policy of Mexico, and that the interest which the United States has always manifested in its consummation renders unwelcome the friendly intervention which we have offered, I can only say that it deepens the regret with which we will learn the decision of the Mexican Government, and compels me to declare that the Government of the United States will consider a hostile demonstration against Guatamala, for the avowed purpose or with the certain result of weakening her power in such an effort, as an act not in consonance with the position and character of Mexico, not in harmony with the friendly relations existing between us, and injurious to the best interests of all the republics of this continent."

In a letter from Mr. Morgan to Mr. Blaine dated Mexico, November 2, 1881, is the following significant paragraph :

> "The subject is on every tongue. It is constantly discussed by the press, and I feel it my duty to say that nothing has occurred since I have been here which has excited so much bad feeling against us as this proffer of arbitration. Say what I may to the contrary, it is considered as a menace."

In Mr. Blaine's recent letter of acceptance, he has a new foreign policy of the Quaker style. The question naturally arises, which will be his policy if elected President—that pursued while Secretary of State or that announced for campaign purposes ? On the theory that acts speak louder than words, the intelligent and conservative citizen will hesitate a long time before voting for one whose well known officiousness, rashness, and audacity are anything but safeguards against foreign complications.

Citizens of the United States have already spent upwards of $50,000,000 in the construction of Mexican railways, and they do not wish their business interests disturbed by needless animosities between the two countries.

Conservative Policy of the Democratic Party.

The Democratic foreign policy is inherited from the sentiments of Washington and Jefferson.

In Washington's farewell address to the people of the United States was the following excellent advice :

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connexion as possible. * * * It is our policy to steer clear of permanent alliances with any portion of the foreign world."

The doctrine laid down in Jefferson's inaugural address was as follows :

"Peace, commerce, and honest friendship with all nations—entangling alliances with none."

Honest Money for Honest Labor.

Speech of Hon. Abram S. Hewitt.

In a speech in the House of Representatives, April 1, 1884, Hon. Abram S. Hewitt, of New York, said :

I agree with the gentleman from Maine [Mr. Dingley] in his proposition that this House shall not sanction by any act the increase of the coinage of the standard silver dollar. But I go further than the gentleman from Maine. I think the time has come when this House should put its seal of condemnation upon the coinage of one single additional standard dollar. My friend from Missouri [Mr. Bland] has achieved, I was going to say immortality, but certainly great renown, by having identified himself with a measure which according to his view has made 85 cents' worth of silver equivalent in value to $1. He has done that by act of Congress, and he has done it on the principle of lifting ourselves by our shoulder-straps. Such experiments must always fail. If they could succeed, then my friend from Missouri has discovered the philosopher's stone which would enable us hereafter to dispense with all human efforts and to provide ourselves with all the comforts and luxuries of life by a simple act of Congress.

The gentleman from Missouri now comes into the House with another proposition, which suggests the old nursery rhyme of Mother Goose :

> There was a man in our town
>   And he was wondrous wise,
> He jumped into a bramble bush
>   And scratched out both his eyes.
>
> And when he found his eyes were out,
>   With all his might and main,
> He jumped into another bush
>   And scratched them in again.

[Laughter.]

The proposition which the gentleman now makes to this House is the proposition of free coinage for silver. By the restricted coinage which goes on under his bill of $2,000,000 per month the Government is making on paper as he said $300,000 of profit per month. By opening the mints to unrestricted coinage he would give up the nominal profit to the Government of $300,000 per month and transfer a real profit of 15 per cent. into the pockets of those who shall be fortunate enough to get in first through the open doors of the mint with their silver bullion. Now, Mr. Speaker, let us apply to this novel proposition the test of fact and of simple principle.

The unit of value by law in the United States is the gold dollar, weighing 25.8 grains.

Mr. Warner, of Ohio—When was it made so ?

Mr. Hewitt, of New York—I am merely stating a fact, and in the time I have I do not wish to be interrupted. It was in 1854 that that was done. Now at 25.8 grains to the dollar an ounce of gold is worth $18.60. By law the relative coinage value of gold and silver is as one to sixteen. Therefore the coinage value of the ounce of silver is $1.16½. We are able to go into the market to buy an ounce of silver at $1.01, and, taking the average of the last year, we are buying at a little less now than $1.01 per ounce.

What is the proposition of the gentleman from Missouri? That for the silver which we can buy in unlimited quantities in this or any other market in the world for 101 cents per ounce, he would pay out of the treasury of this nation 116½ cents per ounce. In other words, he would give to every man who brings an ounce of silver to be coined 15 cents more in coin than the market value of that silver, and 15 cents more per ounce than it is or can be bought for by the Government for coining purposes.

Mr. BLAND—Will the gentleman yield for a moment?

Mr. HEWITT, of New York—I cannot, for I have but a limited time.

Mr. BLAND—I am glad that I was more polite to the gentleman than he is to me.

Mr. HEWITT, of New York—I will yield all my time to the gentleman.

Mr. BRAND—I do not want it.

Mr. HEWITT, of New York—I will yield all my time.

Mr. BLAND—I yielded to the gentleman.

Mr. HEWITT, of New York—Yes; but the gentleman had an hour, while I have but fifteen minutes.

Mr. BLAND—I will not interrupt the gentleman.

Result of Free Coinage.

Mr. HEWITT, of New York—The controversy is one of fact. What would happen? Of course all the world who are now trying to sell silver for 101 cents per ounce will come to our mints, where they could sell it for 116½ cents per ounce. It will be "the devil take the hindmost" in the rush to sell silver for 15 cents per ounce more than its market value.

And under his proposition the Government must take the silver and pay that rate for it. I suppose the gentleman from Missouri would provide a bullion fund for this purpose. Has he ever considered the magnitude of the bullion fund which would have to be provided? There is supposed to be in existence in the world $6,000,000,000 of silver; and the holders of the whole of that $6,000,000,000 would rush to our mints under the gentleman's proposition. And if we were to buy it all and keep the mints open the bullion fund which we would have to provide would have to be on the scale of magnificence proportioned to so vast an operation. It would certainly provide an outlet at once for the idle and useless fund of $126,000,000 of silver dollars now stored at great expense in the Treasury.

But no such thing would happen; the limitation would be the coinage capacity of our mints. To the extent of the coinage capacity of our mints, which would probably not much, if any, exceed the silver production of this country, which is about $40,000,000 worth per annum, the Government would be giving 15 per cent. more than the market value of silver bullion in this or any other markets in the world.

What is the next step? Every man who had thus received 116 cents per ounce for that which is worth in the markets of the world only 101 cents per ounce would hasten to put it into some form of useful value. First of all he would prefer gold, for gold will buy everything else in every market in the world. The consequence would be that the rush for gold would immediately raise it to a premium, and the limit of that premium will be just the difference in the bullion value of silver and gold. In other words, the premium would be 15 per cent., because, as everybody knows, gold and silver are dealt in by the money-brokers all over the world on a margin of one-eighth of 1 per cent.

Then, when gold went up to a premium, the next rush would be to buy commodities with silver dollars on the old standard of values, and the price of commodities would all advance. They are bought and sold to-day at gold value, but the price would then advance with the premium on gold, and they would thereafter be sold at silver values. In other words, all the necessaries of life would be rapidly advanced until they would purchase as much gold as they did before the premium existed.

Wages of Labor.

Then the workingman who receives his wage of one or two dollars per day, as the case may be, and to whom the rise always comes last and sometimes never comes, would be compelled to buy his supplies at 15 per cent. advance. This measure, therefore, would operate as a deduction from the wages of labor of just 15 per cent.

Then what next would happen? I shall be told that this proposition would enable the poor man to pay his debts at 15 per cent. deduction from what he had agreed to pay; that this is sound in principle and a most beneficent feature of the plan. In resisting it I shall be told that I represent the capitalistic class and am the organ of Wall street. Now, the rich man knows how to take care of himself. The poor man does not know and can not know how to take care of himself, and we are sent here as far as possible to take care of him, and it is for that reason I strive to-day to expose the fallacy of a proposition which can only have the effect of making the rich richer and the poor poorer.

I resist, then, this proposition of the gentleman from Missouri, because, in the first place, it would rob the poor man of 15 per cent. of his present wages, measured by its purchasing power; and in the next place it would rob him of 15 per cent. of the hard earnings which he has saved against a rainy day. The rich men hold property which would rise in value with the premium on gold. They hold bonds of railroad companies, which by the letter of the contract are made payable in gold.

Savings of the People.

But all debts not payable in gold would be solvable in silver. Where are those debts, and to whom do they belong? The great lenders of this country are the savings-banks, the mutual insurance companies, and the incorporated companies which hold in trust the savings of the poor and the earnings of labor. Their loans are made payable in lawful money, and will be paid off in the depreciated silver which will follow its free and unlimited coinage, for in the end the silver coins can have no greater value than the market price of the bullion from which they are coined.

Therefore, when this depreciation of 15 per cent. takes place all the loans made by savings banks, trust companies, and mutual insurance companies, amounting to more than $100,000,000, representing the earnings of professional men who live upon salaries, the savings of clerks, the sole provision for widows and orphans would be payable in silver, to the loss in my city and in my district of millions of dollars laboriously saved by the most deserving classes of the community, and who, since the recent decision of the Supreme Court of the Legal-tender case, have no other protection than in the wisdom of Congress.

I represent a district in which there are but few capitalists. I represent 150,000 people who earn their daily bread by their daily labor. They are an industrious and saving constituency. Their money is in the savings banks of the city of New York. You will be astonished to know it, but in the State of New York over $500,000,000 of the savings of these people are to-day loaned out to be paid back in the money of the land. If that money be depreciated 15 per cent., then the people will lose 15 per cent. of all their accumulated earnings. And this depreciation is only the beginning of the downward course in the value of silver. The commercial world has outgrown the use of silver as a necessary tool of commerce. Gold and paper instruments of exchange have taken its place. They are better and cheaper tools of trade. Silver is relegated to its proper place as a convenient subsidiary money, of which the intrinsic value is of no consequence so long as there is local redemption for it within the area where it circulates.

But gold pays international balances, and is and will remain the sole standard of value in the great markets of the world. Hence, Mr. Speaker, I oppose the whole proposition of the gentleman to open our mints to the free coinage of silver, for the reason that thereby the nation would lose at once 15 per cent. on all the silver which would flow into this country from foreign countries now earnestly seeking an opportunity to get rid of the heavy load of silver which weighs them down and embarrasses their finances. In the Bank of France alone there are $200,000,000 seeking a market. The German Government stopped the sale of its silver when it went below 55 pence to the ounce, and is waiting a chance to unload another one hundred millions on anybody that will buy it.

But outside of these countries, whence I have heard it said on this floor silver could not come because "the people of this country were not such fools as to buy the worthless stuff," outside of these countries are India and China, the sinks of silver for more than two thousand years. In these countries gold is already at a premium of 15 per cent. as compared with silver; and men who could bring silver from India to this country and convert it into gold, as the gentleman from Missouri would allow them to do by his proposition of free coinage, would of course make all speed to gather up from all quarters the vast fund of silver in those countries and dump it down upon the people of this land, where the loss will fall upon the laboring classes, who, unless we interpose for their benefit, will be helpless to protect themselves.

Gentlemen who flatter themselves that the silver of the world will not seek the market where bullion fetches the highest price deliberately shut their eyes to the inexorable laws of trade. Silver circulates in France at the ratio of 15½ to 1 of gold only because there is no coinage of silver by the Latin Union. This coinage was suspended simply to avoid the depreciation of silver coins to the bullion value which would otherwise have taken place. Give it a market at more than its bullion value, and it will be replaced with gold as surely as the air rushes into a vacuum.

The depreciation of our silver coins, Mr. Speaker, would occur at once if the mints were now opened to the free coinage of silver. What would occur at once in that event, is just as sure to occur, if you allow time enough, under the limited coinage act of $2,000,000 a month. This depreciation will be the slow but sure work of the monster steadily digging away at the foundations of the wealth and prosperity of this country, so that in a little while we shall be brought to the silver basis; and then all the consequences I have predicted will occur just as certainly as if the gentleman were able to carry out his plan of free coinage at once. In that proposition he is perfectly logical. If we are to go on with the coinage of silver at all, the unlimited coinage which the gentleman proposes is the only defensible position, and ought to be put into effect, if it were not for the disastrous consequences which would send a flood of ruin over this land.

But as I have said those consequences are unavoidable, whether we continue the limited coinage or institute the free coinage of silver. Twice in my life have I witnessed the transfer in this country of vast masses of wealth from the possession of those who have created it, to the ownership of those who were shrewd or fortunate enough to profit by the situation. Once was when the legal-tender act was passed and creditors were forced to take 40 cents in payment of 100 cents which was their just due. Again, when the resumption of specie payment took place in 1879, persons who had borrowed 40 cents were forced to pay the debt with 100 cents. No tongue can describe the ruin and the misery caused by this wholesale transfer of property, the wrecks of which still survive in every State in this Union. It is because I hope to be spared the sad spectacle of another such unjust and uncalled for reversal of the laws which ought to govern the acquisition and transfer of property, that I oppose, and shall oppose, the degradation of the standard of value, whereby one class of the community, and the most deserving as it is the most helpless class, is pillaged by law for the benefit of those who live by the sweat and toil of their less fortunate and more confiding fellow-men. [Applause.]

Appendix.

INDIA—FALLING OFF IN THE DEMAND FOR SILVER.

The India department of finance and commerce states the silver imports and exports of India, taking its trade with all countries for the last four years (the Indian fiscal year, like the British, ending March 31), as follows:

FISCAL YEAR.	IMPORTS.	EXPORTS.	NET IMPORTS.
1877–'78	$78,832,660	$5,500,985	$73,331,675
1878–'79	27,968,495	8,115,025	19,853,475
1879–'80	48,025,010	8,676,295	39,348,715
1880–'81	26,580,780	7,117,910	19,462,870

Table showing increase of circulation in the United States.

DATE.	TOTAL CIRCULATION.	PER CAPITA.		
		Paper.	Coin.	Total.
October 1, 1880	$1,225,359,234	$14 10	$10 66	$24 76
October 1, 1881	1,529,548,612	15 56	14 93	30 49
October 1, 1882	1,566,659,668	15 81	15 42	31 23
October 1, 1883	1,730,598,074	17 63	16 88	34 51

Total circulation in United States October 1, 1883.

Gold	$606,197,000
Silver	240,399,000
Paper	884,002,074
Total	$1,730,598,074

Table showing increase of silver in the United States Treasury.

DATE.	GOLD.	SILVER.
	Per cent.	Per cent.
September 30, 1876	90.2	9.8
September 30, 1877	93.5	6.5
September 30, 1878	83.0	17.0
September 30, 1879	76.2	23.8
September 30, 1880	63.3	36.7
September 30, 1881	64.7	35.3
September 30, 1882	55.4	44.6
September 30, 1883	58.5	41.5

Table showing proportions of world's production of gold and silver.

SEMI-DECADES.	AVERAGE YEARLY PRODUCTION.		PROPORTION.	AVERAGE. PRICE OF SILVER.*
	Gold.	Silver.		
1852–1856	$145,000,000	$40,500,000	100 to 28	$61\frac{4}{16}$
1857–1861	127,184,000	41,220,000	100 to 32	$61\frac{1}{2}$
1862–1866	123,843,000	49,755,000	100 to 39	$61\frac{1}{4}$
1867–1871	123,251,000	53,115,000	100 to 43	$60\frac{1}{2}$
1872–1876	111,383,750	69,490,682	100 to 62	$57\frac{1}{2}$
1877–1878	113,892,085	78,338,158	100 to 69	$53\frac{13}{16}$
1879	105,365,697	81,037,220	100 to 77	$51\frac{1}{4}$
1880	106,346,786	96,704,978	100 to 90	$52\frac{3}{16}$
1881	107,202,733	102,309,675	100 to 95	$51\frac{7}{16}$
1882	103,161,532	109,446,595	100 to 106	$51\frac{1}{2}$

* Pence per ounce in London.

The Independent Tidal-Wave.

Its Significance.

Seldom in the history of American politics has there been such a popular uprising against the Presidential nominee of their own party as the Republican bolt against James G. Blaine.

Leading and influential newspapers, prominent business men, college professors, and the scholars in politics, distinguished statesmen, and thousands, tens and hundreds of thousands of thinking and intelligent voters view with sorrow, disgust, and alarm the dangerous and corrupt tendencies of their party, and have determined to rebuke it by voting for the Democratic nominee.

Among the causes of this independent tidal wave are the following:

Dissatisfaction with Mr. Blaine's bad public record.

Alarm at official corruption.

Alarm at the party's subserviency to monopolies.

Opposition to its rapid drift toward centralization.

Sorrow at its disregard of constitutional methods.

Irritation at its encroachments on personal liberty by the enactment of sumptuary legislation.

Nausea at its hypocrisy.

A portion of these independent voters have stated the grounds of their opposition, and we will therefore let them tell their own story.

Mr. Codman's Address.

At a conference of Republicans and Independents in New York on the 22d of July, Col. Charles R. Codman, of the Massachusetts Committee, was elected President of the conference, and delivered the following address :

FELLOW CITIZENS—You confer a great honor upon me in choosing me to preside in this Conference, not of office-holders, nor of office-seekers, but of citizens desiring only the honor and welfare of the Republic. We have not met here as party men, we are not sent here by party machinery ; but we come representing large bodies of citizens, who have determined for the time being to set aside the claims of party, whatever those claims may be, and to act together independently to maintain ideas, and, if possible, achieve results which shall be for the highest good, as we see it, of the whole country. The bond that unites us is a jealous sensitiveness for the national character, and resentment at an attempt to lower it in the eyes of the world. It would be, we hold, an unspeakable disgrace—in full knowledge of the facts, and with our eyes wide open—to place in the Presidential chair as the representative statesman of the United States a man who has never cleared his reputation from imputations which, if true, show that public office was used by him for private gain. We have examined the evidence against Mr. Blaine, and believing that it shows at the very least that his standard of public morality is low ; that he is a man willing to expect and to claim pecuniary advantages from those whose interests he has been enabled to advance in the exercise of his public office, and who does not stop at this, but has no hesitation in promising to use his official power and influence to further the private ends of those with whom he desires to associate himself,—claiming that he will be no "deadhead" in aiding an enterprise which will be the gainer by Congressional favor,—joined with the disposition, when put upon his defence, to equivocate and to conceal material documents and material facts; believing all this, we say, as we are bound to say, to the American people, that this man is not fit to be their President. We are making no charges against private character; but we hold that the official record and the public acts of Mr. Blaine, his attitude toward railroad legislation and all other legislation, his transactions when Speaker of the House of Representatives or when holding any legislative position, with corporations asking for Congressional aid or in any way dependent on Congressional action, are fit and proper subjects for investigation and comment. And, if we are convinced that his record shows moral malfeasance in office, it is our right and our duty boldly to declare our opinion and to ask our fellow-citizens to refuse to confer upon such a man their highest honors and their most important political trust.

Parties but Means to Ends.

That such is the conviction of the members of this Conference need not to be said, for why else are we here to-day? Acting as all of us have done at times with the Republican party, and most of us never failing to support its nominations, and some of us its supporters when it was neither successful nor popular, it is not without pain that we find ourselves compelled to oppose the Presidential nomination of this historical organization; but we say that parties are but means to accomplish political ends; that they must stand for principles, if they are to have any more vitality than that of a mere organization; and that they cannot live alone upon the memory of great results achieved, if they do not meet the demands of the time. And we do not see that at the present time the great parties that divide the country are clearly and unmistakably at issue upon any important question, so that we are confined in this Presidential canvass almost exclusively to the question of the fitness of candidates.

It is in some respects fortunate that it is so; for, if the Democrats had declared themselves in opposition to any political ideas which we have been accustomed to consider the cardinal principles of the Republican party, and if then the Republicans had nominated Mr. Blaine, our position would have been far more trying than it is to-day. We should have been compelled to face the painful and discouraging alternative of not sustaining cherished political opinions or of voting for a candidate we believe to be unworthy. But, happily, all the great principles, to maintain which the Republican party was founded, have long since been firmly established in the legislation of the country.

The Maine Windmill.

It is true that Mr. Blaine, in his skillful letter of acceptance, has at last expressed very positive opinions upon one subject. He has come out as an ardent civil service reformer, now that the country has pronounced for the reform; although in the day when the cause was struggling and weak, it had no assistance from this always influential political leader. There have been one or two reactions, however, since then; and the people have in no uncertain tones proclaimed their will. It is certainly the fact to-day that political managers will not openly oppose the popular demand, and no backward steps will be taken in extending and maintaining the reform.

We have not taken the decided action that brings us here to-day without some remonstrances from our party associates. They have urged upon us the claims of the old organization and have rung the changes upon its achievements. They have told us that the great results of the war would be jeopardized if the Democratic party should come into power. They have warned us that capital would be destroyed and labor would be paralyzed if there should be a discontinuance of Republican administration. They have said that Mr. Blaine should be chosen President because he would do what other Presidents have not done and what he alone can do, and that is to make his country respected by foreign nations. To all such suggestions, we have been impervious.

We have replied that the constitutional interpretations settled by the war are not disputed; that the Democrats, who are at least nearly half the people in the country, have no desire, and can have no interest, to check the national prosperity; and that this country is respected throughout the world for its power, its freedom, its energy, and its resources, and that it will continue to be so respected, unless some "aggressive" and "magnetic" President shall succeed in making it ridiculous. There has not been much in such considerations as these to induce us to give our support to a discredited and obnoxious candidate.

But an appeal has also been made to our sympathies and to our highest sense of justice.

Democracy not Responsible.

Are we ready, it has been asked, to justify or condone such incidents as the Copiah massacre? Will we ally ourselves with a political party that carries elections by murders and intimidation.

I answer that I believe we yield to none in our abhorrence of the affair at Copiah. It was an outrage utterly without justification, and it is an infinite disgrace to the community that tolerated it. Nor will we ally ourselves to a party that carries elections by murder and intimidation; but before all things, we will be just, and we will not charge the whole South or the whole Democratic party with the responsibility of an act that belongs to one small community alone.

Our Republican critics know perfectly well—there are no men in the country that know it better—that these occurrences could not have been prevented by any action of the Federal Government. If they could, how does it happen that during two Republican administrations there has been no attempt at Federal interference? And why is it that no Republican politician ventures to recommend such interference? No, gentlemen, the truth is that time and education and enlightened self-interest and the influence of civilization and Christianity are the agencies that must be relied upon to prevent these crimes; and, if we may judge the future by the past, we may expect that, at no distant period, the barbarous ideas and practices which slavery has left as a legacy to the South will yield to these benign influences. No one can deny, and no one ought to fail to rejoice, that such incidents as that at Copiah, which were once common, are now exceptional; and that the two races which an over-ruling Providence has placed side by side in the Southern States are approaching—under the influence of universal freedom, of equal political rights, and a wider diffusion of knowledge—a better understanding of and a more generous consideration for each other.

No Dust in Their Eyes.

But, however that may be, we are not to be turned from what seems to us a plain and obvious duty by an attempt to appeal to any sectional feeling, or even to our sense of the wickedness of men or communities for whom we are not responsible. We shall not give up our right to condemn and denounce lawlessness and oppression in the South any more than our right to condemn political dishonesty in the North. We shall exercise both of these rights. We shall not support Mr. Blaine, nor shall we support any man who justifies the Copiah murder, if indeed such a man be found for whom any one would ask the suffrages of the people. We respect the convictions of others; but, for ourselves, we say that it is just as impossible for us to support Mr. Blaine as it is to lie or to steal.

We are assembled here to-day to confer together and to consider what practical action we shall take. We have one purpose in view, and as reasonable men we desire to act together. But we shall not, I think, make any attempt to demand pledges or to bind consciences. Whatever is done here, every man is free to follow his own course. No pledges will be asked, and certainly none will be given.

For myself, I do not hesitate to say that the defeat of Mr. Blaine should be compassed by all honorable means. It seems to me that the cause of good government, of pure politics, of American character, requires it to be done. There is but one way to do it, and that way must be obvious to us all. We desire, first of all, a President who is incorruptible; and, if, besides that, he is able and independent, so much the better.

The Man to Pin Faith To.

We have not far to go to find a man who is all this. It has been said recently by some of the supporters of Mr. Blaine that no Democratic President was ever able to resist the pressure of party managers. It may, perhaps, be true, and possibly some Republican Presidents have been open to the same criticism; but there is certainly one Democratic official who has shown the ability to successfully resist all pressure that would interfere with the faithful performance of official duty, and he is now Governor of New York and the Democratic candidate for President of the United States—a man whose utterances and whose acts, whether as Mayor or Governor, have proved that he holds office, not for personal ends, but as a trust for the people, whose servant he is. As a lifelong opponent of the Democratic party, and with no intention now of becoming identified with it, I will yet rejoice, and I will say that it is fortunate for the Republic, that, at a crisis when the party which has been the party of progress halts and is unfaithful, the party which we have been accustomed to distrust shows wise intelligence and civic courage. It has risen to its great opportunity; and those Republicans who would make effectual opposition to a candidate they believe to be unfit can with no loss of self-respect, without surrendering a conviction, and in the exercise of the highest political expediency, give their votes to the reform Governor of New York.

Let us, then, in a vigorous and business-like way, proceed to the work before us. Let us take steps to lay before the country the evidence that has convinced us that the Republican nomination for President was unfit to be made. It is all contained in the official record of the National Legislature and it is the common property of all the people. Let us declare that we stand together, and that we ask our fellow citizens to join us to make our protest effectual against corruption in office. Let us try to impress upon the voters by our words and acts that political straightforwardness is better than political success; and, when we have done our work here, let us go to our homes, and use such influence as we have to further the cause which we conceive to be the cause of our country.

Mr. Curtis' Address.

On the same occasion George William Curtis, of the New York Independents, spoke as follows:

The paramount issue of the Presidential election of this year is moral rather than political. It concerns the national honor and character and honesty of administration rather than general policies of government, upon which the platforms of the two parties do not essentially differ. No position taken by one platform is seriously traversed by the other. Both evidently contemplate a general agreement of public opinion upon subjects which have been long in controversy and indicate an unwillingness to declare upon other and cardinal questions views which, in the present condition of opinion, might seriously disturb the parties within themselves. Parties, indeed, now cohere mainly by habit and tradition, and since the great issues which have divided them have been largely settled, the most vital political activity has been the endeavor of good citizens in both parties to adjust them to living issues and to make them effective agencies of political progress and reform.

The indispensable necessity of this course has been long apparent, for in a time of profound peace at home and abroad the most threatening national peril is an insidious political corruption, a mercenary and demoralizing spirit and tendency, the result of which is well described by Senator Hoar, of Massachusetts, as "the shameless doctrine that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge."

But this doctrine naturally has produced results which are still more alarming. The corrupt spirit and tendency have so rapidly developed, that they seek political power not only to gratify ambition and revenge but to promote private gain. They deride appeals to the public conscience, defend the soiled reputations of public men by the bold assertion that all public men are equally guilty, declare that success in obtaining eminent position disposes of every imputation and suspicion of wrongdoing, and despising all practical measures to reform the system of official patronage which fosters dishonest politics, make a great party nominally responsible for prolonged and monstrous fraud, and proclaim that it is the duty of every citizen who for great and beneficial ends has habitually supported a party to regard the success of the party at an election, without regard to the character of those whom it selects as its executive agents, to be a supreme national necessity. A tendency more fatal to the public welfare cannot be conceived, and when by public indifference or misundestanding this corrupt spirit is able to demand that the country shall approve it by according to it the highest honor in its gift, every patriotic citizen must perceive that no duty could be more pressing, vital and imperative than that of baffling and defeating the demand.

If the Republican Convention has presented a candidate whose character and career were the pledge of a resolute contest with the tendencies that we have described; if they had foretold a stern dealing with political corruption and a vigorous correction of the vast abuses which the long and undisturbed tenure of power by any party is sure to breed; if the success of the candidate had promised inflexible honesty of administration, purification of the Government, and elevation of the party standard, every Republican voter would have gladly supported the nomination. But these are precisely the anticipations which the nomination forbids. It offers a candidate who is an unfit leader, shown by his own words and acknowledged acts, which are of official record, to be unworthy of respect and confidence; who has traded upon his official trust for his pecuniary gain; a representative of men, methods and conduct, which the public conscience condemns, and which illustrate the very evils that honest men would reform.

Such a nomination does not promise in the Executive chair inflexible official integrity, calm and wise judgement, a sole regard for the public welfare, and an unshrinking determination to promote reform in the civil service, and ceaselessly to pursue and punish public robbers of every kind and degree. Independent voters have generally supported

Republican nominations as more surely promising reform than those of the Democratic Party. Independents, however, cannot support a nomination which is the culmination of the tendency that they would correct. Republicans cannot hope that under such leadership as we have mentioned the abuses of the past can be corrected or the party reformed. We are very proud of the great record and services of the Republican party, but not with our consent and connivance shall that record be disgraced.

Every party must be constantly renewed by the intelligent independence of its own members, or it will sink from an agency to secure good government into a remorseless despotism. The Republican party sprang from a moral sentiment. It was the party of political morality and of personal liberty. It appealed directly to the conscience of the citizen. But, like all parties, it was a political agency not to be worshipped, but to be carefully held to the spirit and purposes on which and for which it was organized. "I do not know," said Mr. Seward, thirty years ago, when he left the Whig party to join the Republican: "I do not know that it will always or even long preserve its courage, its moderation, and its consistency. If it shall do so, it will secure and save the country. If it shall become unfaithful, as all preceding parties have done, it will, without sorrow or regret on my part, perish as they are perishing, and will give place to another, truer, and better one."

This warning must not he forgotten. It is with a profound conviction of its wisdom that Republicans faithful to their party, but holding, with the great Republican fathers, that political morality and purity of administration are more precious than party, are now constrained to oppose the Republican Presidential nomination in the interest of what they believe to be pure republicanism, of the public welfare, and of the honor of the American name.

The Republic nomination has for the time superseded all other issues by raising the question of official honesty. This question cannot be avoided except upon the plea that the official character of candidates need not be considered, and that in order to secure a party President the members of a party ought to vote for any candidate whatever who has been regularly nominated. This is a plea beyond which party madness cannot go. Acquiescence in it would require the surrender of the self-respect of every voter. There could be no candidate so unfit that this plea would not demand his support, and Republican success justified by an argument which defies the public conscience, would be the overthrow of the vital principle of the party, and show that the spirit and character which created its great traditions are rapidly perishing.

Upon the practical questions of tariff and finance, and other questions upon which both parties are divided within themselves, we also are divided in opinion. We shall vote, therefore, in the choice of representatives in Congress and other officers, according to our individual opinions of their political views and their personal character. Divided on other questions, we are united in conviction that the fountain of office and honor should be pure and that the highest office in the country should be filled by a man of absolutely unsuspected integrity.

As there is no distinctive issue upon public policy presented for the consideration of the country, the character of the candidates becomes of the highest importance with all citizens who do not hold that party victory should be secured at any cost. While the Republican nomination presents a candidate whom we cannot support, the Democratic party presents one whose name is the synonym of political courage and honesty and of administrative reform. He has discharged every official trust with sole regard to the public welfare and with just disregard of mere partisan and personal advantage, which, with the applause and confidence of both parties, have raised him from the chief executive administration of a great city to that of a great State. His unreserved, intelligent, and sincere support of reform in the civil service has firmly established that reform in the State and the cities of New York; and his personal convictions, proved by his official acts more decisive than any possible platform declaration, are the guarantee that in its spirits and in its letter the reform would be enforced in the National Administration. His high sense of public duty, his absolute and unchallenged official integrity, his inflexible courage in resisting party pressure and public outcry, his great experience in the details of administration, and his commanding executive ability and independence, are precisely the qualities which the political situation demands in the chief executive officer of the Government to resist corporate monopoly on the one hand and demagogue Communism on the other, and at home and abroad, without menace or fear, to protect every right of American citizens and to respect every right of friendly States by making political morality and private honesty the basis of constitutional administration.

He is a Democrat who is happily free from all association with the fierce party differences of the slavery contest, and whose financial views are in harmony with those of the best men in both parties. Coming into public prominence at a time when official purity, courage, and character are of chief importance, he presents the qualities and the promise which independent voters desire and which a great body of Republicans, believing those qualities to be absolutely indispensable in the administration of the Government at this time, do not find in the candidate of their own party.

Such independent voters do not propose to ally themselves inextricably with any party. Such Republicans do not propose to abandon the Republican party nor to merge themselves in any other party, but they do propose to aid in defeating a Republican nomination which, not for reasons of expediency only, but for high moral and patriotic considerations, with a due regard for the Republican name and for the American character, was unfit to be made. They desire not to evade the proper responsibility of American citizens by declining to vote, and they desire also to make their votes as effective as possible for honest and pure and wise administration.

How can such voters, who at this election cannot conscientiously support the Republican candidate, promote the objects which they desire to accomplish more surely than by supporting the candidate who represents the qualities, the spirit, and the purpose which they all agree in believing to be of controlling importance in this election? No citizen can rightfully avoid the issue or refuse to cast his vote. The ballot is a trust. Every voter is a trustee for good government, bound to answer to his private conscience for his public acts. This conference, therefore, assuming that Republicans and independent voters, who for any reason cannot sustain the Republican nomination desire to take the course which, under the necessary conditions and constitutional methods of a Presidential election, will most readily and surely secure the result at which they aim, respectfully recommends to all such citizens to support the Electors who will vote for Grover Cleveland in order most effectually to enforce their conviction that nothing could more deeply stain the American name and prove more disastrous to the public welfare than the deliberate indifference of the people of the United States to increasing public corruption and to the want of official integrity in the highest trusts of the Government.

Mr. Schurz's Address.

At a meeting at the Grand Opera House, in Brooklyn, August 5th, Carl Schurz, who had been invited to present his views on the issues of the campaign, delivered an exhaustive and memorable argument, from which we reproduce the following portions:

FELLOW-CITIZENS: In obedience to the invitation with which I have been honored, I stand here in behalf of Republicans opposing the presidential candidates of the Republican party. You may well believe me when I say that it is no pleasure to me to enter upon a campaign like this. But a candid statement of our reasons for the step we have taken is due to those whose companionship in the pending contest we have left. It is, therefore, to Republicans that I address myself. I shall, of course, not waste any words upon politicians who follow the name of the party, right or wrong; but to the men of reason and conscience will I appeal, who loved their party for the good ends it was serving, and who were faithful to it in the same measure as it was faithful to the honor and the true interests of the Republic. Let them hear me, and then decide whether the same fidelity will not irresistibly lead them where we stand now.

The Tariff not the Issue.

At the threshold I have to meet a misapprehension of our motives. It has been said, and, I suppose, believed by some, that we were dissatisfied with the Republican party because its present candidates were protectionists. This is easily answered. Is Senator Edmunds, of Vermont, a free trader? On the contrary, he is well known to be as strong a protectionist as any member of the Senate. And who among the candidates before the Republican National Convention was the favorite of the same "independent Republicans" now opposing the Republican nominations? The same Senator Edmunds. Why was he their favorite? Because he was thoroughly trusted as an honest man who could be depended upon to be faithful to those moral principles and political methods the observance of which would make and keep the Government honest. There was the decisive point. We should have supported other Republican candidates even of less prominence and of less ability than Mr. Edmunds possesses, no matter whether they were as strong protectionists as he, provided they satisfied that one fundamental requirement of unimpeachable, positive, and active integrity This is a fact universally known which no candid man will question. What, then, has the tariff question to do with the motives of our opposition? Nothing at all. And if any of those to whom these presents may come still assert that the tariff is the moving cause of our action, they convict themselves of being afraid of the real reasons which govern us, and of seeking artfully to deceive the people about them. So far, it may have been a mistake; now it will be a lie.

Undoubtedly the tariff is an interesting and important subject; so is the currency; so is the bank question; so is the Mormon question; so are many others. At other times they might absorb our attention. But this time the Republican National Convention has, with brutal directness, so that we must face it whether we will or not, forced upon the country another issue, which is infinitely more important, because it touches the vitality of our institutions. It is the question of honesty in government. I say the Republican Convention has forced it upon the country, not by platform declarations, but by nominating for the Presidency a man with a blemished public record. Understand me fully. The question is not merely whether Mr. Blaine, if elected notwithstanding his past career, would or would not give the country a comparatively honest Administration. The question is much larger than that. It is, whether the public record of the Republican candidate is not such as to make his election by the American people equivalent to a declaration on their part that honesty will no longer be one of the requirements of the government of the Republic. It is, whether such a declaration will not have the inevitable effect of sinking the Government for generations to come, perhaps forever, into a depth of demoralization and corruption such as we have never dreamed of before. If this is really the issue of the pending campaign, then you will admit it to be the most momentous that has been upon us since the civil war; nay, as momentous as any involved in the civil war itself.

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If you want to know what the result of Mr. Blaine's election would be, stop and observe what the result of his mere nomination already has been. What do you see? Men high in standing, who but yesterday were shocked at such things as Mr. Blaine has done, who thought that the people would and ought to brand them with their emphatic disapproval, now meekly apologizing for the same things and dismissing them as little eccentricities of genius. Nay, some of them grow fairly facetious at the "Pharisees," or "saints," or "dudes," or "gentle hermits" who denounce corruption to-day as they themselves denounced it yesterday. Indeed, "Pharisees" and "saints." What, then, are the strange and extravagant things which these Pharisees and saints demand, and which after Mr. Blaine's nomination have suddenly become so ridiculous? Do they ask that a candidate for the Presidency should be the ideal man and the embodiment of all the human virtues? That he should part his hair in the middle and wear lavender gloves? No, not that. But these strange creatures, these "Pharisees" and "dudes," insist that a man to be elected President of the United States should be a man of integrity; that he should have a just sense of official honor; that he should not be one with a record of prostituted official power, such as the Mulligan letters and the investigation show, upon his back. That is all. Why, how ridiculous this is, to be sure. Have you ever heard anything so outlandish?

Well, fellow-citizens, when you see grave men, men of public standing, suddenly disposed to laugh at other men who to-day refuse to honor bad practices which yesterday they all in common condemned, it is not altogether amusing. It is a rather serious symptom of the moral effect Mr. Blaine's mere nomination has already produced. But it is only one of many.

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There is corruption enough now. But when the American people shall have proclaimed that they care nothing for a proper sense of honor in their public men and the public service, then a crop of corruption and demoralization will ripen such as we have never dreamed of. You complain now that the money kings and the great corporations have too much power in our public concerns. But when the American people by a solemn popular election shall have taught our politicians, young and old, that they can make themselves rich by the prostitution of official trust without fear of disgrace, that they may have pelf and public honor at the same time, there will be no limit to the corrupting power of wealth, and your dreaded money kings and corporations will do in open daylight what they now attempt in the dark. Corruption will irresistibly "broaden down from precedent to precedent." Its flood may overwhelm all that we hold dear and are proud of to-day.

Citizens of the United States, I warn you solemnly not to take this fatal leap. The honor of the American people, the vitality of our institutions, the whole future of the Republic are involved in the issue. Do you want to protect that honor, to save those institutions from deadly rot and the future of the Republic from incalculable disaster and disgrace? There is but one thing to do. If a political party, however great and glorious, has been so forgetful of its dignity and its duty as to nominate a candidate for the Presidency conspicuously bearing the fatal taint, then the American people must show that they have moral sense enough to reject him, and to reject him overwhelmingly. That is the way of salvation. There is no other.

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This is not the cause of a mere party. It is greater than any party. It is in the broadest sense the cause of the people, the cause of all classes and honorable occupations alike. It speaks the language of interest and says to our merchants and business men: You know that the successful working of commerce and trade hangs upon trust between man and man. You need credit as a nation as you need confidence between individuals. If you discover that a managing man in your business is in secret concert with any of your customers and uses the opportunities of his position for his own personal profit, you confide in him no longer, but you discharge him. If you learn that the cashier of your bank so uses the opportunities of his place, you distrust the institution and withdraw your deposits. What will you think of yourselves, what will the world think of your business judgment and your sense of honesty, if in something far greater than your shop or your bank, if in the government of your country you promote the man who has done this to the highest place of honor and trust? You complain that the credit of our great enterprises has most injuriously suffered at home and abroad by the unscrupulous tricks of the inside rings in corporate management. How will it be if you give the solemn sanction of your votes to something akin to the same practice in the Government of the Republic?

This is the cause of labor and says to the workingmen: What you need above all things is a government of just laws and of honest men to execute the laws. You need men who have the conscience and courage to say "No" to you when the law forbids that which you may ask for; for such men will have the conscience and courage to say "No" to those more powerful than you when they ask for what is unjust and injurious to you. Beware of the demagogue who the more he flatters you with promises to-day the more he will be likely to betray you to-morrow. Beware of the political jobber, for in the very nature of things he is always the monopolist's own pet and bedfellow. How can you, laboring men, so betray your own interests as to support a candidate whose election will mean that in the opinion of the American people jobbery in the Government is a legitimate occupation not to be punished, but to be honored?

This is the cause of patriotism and national pride, and it says to every citizen of the Republic: Do you want the world abroad to respect the American name? Then show them first that the American people respect themselves. The American people will show how they respect themselves by the choice they make for their highest honors. Ask yourselves, Americans, how this Republic will stand in the esteem of mankind, and how its influence will be upheld by the confidence of nations if the American people by a solemn vote proclaim to the world that official honor is to them a thing of indifference, and that they select their President from among those who have traded on high official trust to make money.

And in the face of all this still the cry of "Party!" Woe to the republic whose citizens think of party and nothing but party when the honor of their country and the vitality of their Government are at stake. But, happily, what an impotent cry it is in these days. Look around you and see what is going on. The time of a new migration of political forces seems to have come. The elements are restlessly moving, in all directions breaking through the barriers of old organizations. Here they march, and there, some with uncertain purposes, crossing one another's paths and sometimes even their own. No doubt one of the candidates of the two great parties will be President. But neither of the two parties, when it issues from the struggle, will be what it was before. This is the disorder which evolves new energies, for good or for evil. Such are periods of promise, but also of danger. What will come we cannot foresee. But in the confusion that surrounds us it is the part of patriotic men to stand together with clear heads and one firm purpose. The duty is plain. It is to see to it that, whatever the future may build up, its foundations at least be kept sound; that the honor of the American people be preserved intact, and that all political parties, new or old, become forever impressed with the utter hopelessness of any attempt to win success without respecting that vital condition of our greatness and glory, which is honest government.

Independent Press on Blaine.

[*New York Herald*, *June* 7.]

Finally the great agony is over, and Mr. Blaine is the candidate of the Republican party for the office of President of the United States. We are sorry for it, and we believe the Republicans will all be sorry for it next November. But although every man who cares for the purity of public life and the welfare of the country, and especially all those who hoped for the redemption of the Republican party from the evil elements that have already nearly dragged it down the depths, must poignantly regret a nomination like this, yet there has grown within a day or two in many circles a sentiment that will regard the nomination with a certain grim sense of satisfaction. Indignation of decent opinion at the ever-recurring nuisance of the Blaine candidacy, a revolt against the open shamelessness of the Blaine men and their methods, and at their scheme of carrying things with a roar and not by reason, has made men feel that at last there was perhaps but one cure for all this, which was to have the Blaine element carry the Convention and nominate their man, and then see the man and the party buried out of sight by an overwhelming defeat at the hands of the people. All who have felt that way have their cure before them; and they may at least congratulate themselves that they are now indeed in a fair way to have done with Blaine forever.

[*New York Times, June* 8.]

The demonstrations of welcome with which some former Presidential nominations have been received have been formal and perfunctory, perhaps. Mr. Blaine's is the first to be received in cold and disapproving silence by a large section of the party and with instant protest and revolt by another large element. Thousands of Republicans with whom patriotism is a sentiment enduring for life, while partisanship lasts only during the party's good behavior, that is to say the right-thinking and reasonable men of the party, are asking themselves to-day whether they are now Republicans, whether the party they belonged to and were proud to serve any longer exists. Thousands of other Republicans, less firmly attached to the party, Republicans whose allegiance is always dependent upon good nominations and right intentions, are conferring one with another about the nomination of an independent Republican ticket in opposition to Blaine and Logan. The Republican party was never brought to such a pass before. The Liberal Republican episode of 1872 was a summer shower. The party now faces a "rattling storm of arrows barbed with fire."

[*From the Boston Advertiser—Rep.*]

To a large section of the Republican party the news that the fierce struggle at Chicago has ended by the nomination of Mr. Blaine will appear ominous of disaster. To them the event will mean that the party of sound government and of high moral purpose is required to abdicate its place as the exponent of principles and to undertake the exculpation of a man, and to them it will appear, as we believe, that the decision of a National Convention no longer reflects the matured judgment of a great party holding itself responsible for the guidance of the nation, but is the chance result of a contest in which intense ambition, the most degraded political methods, and the clamor of a mob within the hall of the convention have had a victory. We need not enter upon any formal declaration of our own entire agreement with those Republicans who thus fail to find in the nomination any fit expression of the established principles and avowed aims of the Republican party. The events of the last three days have given us no answer to the objections so often urged in these columns against the nomination of Mr. Blaine and against the course of Mr. Blaine as a public man, and have presented no contingency in which these objections could be waived consistently with truth or political honor. We have, then, nothing to retract and nothing to modify. With unabated devotion to the great purposes for which the Republican party was organized and has been maintained, we declare our inability to support the nomination, either in the present aspect of the political field, or in any which now seems likely to present itself.

[*From the Springfield Republican, June* 7.]

These nominations are revolutionary. They are such as the Republican party has never before presented, and will carry dismay and alarm to thousands of men who have regarded this as the party of safety, of integrity, of principle, and of high moral ends. They portend deserved disaster and defeat to the Republican party, and a revolution in the National Administration. Our readers will observe that even among the party press the New York *Times* and the Boston *Advertiser* already decline to support the Republican ticket.

[*From New York Evening Post, June* 7.]

What is to be the issue from this deplorable and disastrous but deliberately created muddle, it is yet too soon to forecast. That Mr. Blaine cannot be elected, we look on as certain. Whether he can be defeated without ruining the organization which is being prostituted in the service of his selfish ambition remains to be seen. The extent of his defeat—that is, the size of the majority which will remove him permanently from the political arena—will depend largely on the action of the Democrats. They have now an opportunity offered them such as has not presented itself for a quarter of a century.

[*From the Worcester* (*Mass.*) *Spy*, *June* 7.]

Not only was Mr. Blaine the free choice of the convention, but it is safe to go further and say that his nomination is acceptable to a considerable majority of the Republican voters of the country. But that does not imply that his election will be easy. No doubt he will make a "rattling" campaign. There will be plenty of crowded meetings, ringing speeches, and tremendous cheering. But no candidate who has been thought of has so many resolute opponents among men who would gladly vote with the Republicans if the Republican Party would give them a candidate for whom they could vote with a good conscience. Mr. Blaine's admirers may think that they are unreasonable, obstinate, and prejudiced; that they magnify small faults into inexcusable offenses; that they make of slight objections insuperable obstacles; that they give too much weight to the evidence against Mr. Blaine's character, and too little to that in his favor; that they exaggerate the personal aspects of the canvass, and do not think enough of its party aspects. All this has been said many times, and will continue to be said in varying forms of expression and in diverse tones and tempers, in the endeavor to pursuade or drive into the party ranks the men who think Mr. Blaine is not a fit candidate. No doubt they will prevail with some of them, but there will be a remnant whose votes will be sorely needed, perhaps will be indispensable, in the doubtful States, and especially in New York. Unfortunately the vote of an enthusiast goes no further and counts for no more than that of a quiet man without violent preferences; and, therefore, universal esteem, equally distributed over the whole country, is preferable to blazing enthusiasm in a majority of the party, with a sprinkling of settled distrust and stubborn hostility. What the independent Republicans can do in New York was proved in the election of 1882. What they will do this year will be seen in November. We should have no pleasure in predicting disaster to the Republican party, but it is impossible now to expect with confidence Mr. Blaine's election.

[*From the Boston Herald—Ind. Rep.*]

Believing that Mr. Blaine would be a bad and dangerous President, we hope to see him defeated. Believing him to be a weak candidate, we expect to see him defeated. His zealots say he can be elected without the vote of New York. They will have a chance to prove it. Perhaps they think he can be elected without the help of Massachusetts. It is not improbable that they may have a chance to test this also. If the Democrats rise to the occasion, nominate Governor Cleveland and give him an honest support in his own State, we believe they will carry the election. The government of the people, by the people, is safe in the hands of any majority of the people. Now may be a good time for the Republican party to step down and out. The National Convention has acted as if it thought so.

[*From the Chicago Daily News—Rep.*]

It is perhaps needless to say that the act of the Convention has not changed our opinion of the man who is now the nominee of the Republican party. That act may constitute in the eyes of many a veritable political lethe, but we see no reason to follow those whose convictions are so easily changed. No one has disproved the charges made against Mr. Blaine, nor have they ever been withdrawn. In short, he is to-day in all respects the same man that he was before the Convention assembled.

[*From the Philadelphia Times—Ind.*]

The sober, serious fact that Mr. Blaine's partisans must face is that the large body of conservative citizens who hold the balance of power in every one of the debatable eastern States—New York, New Jersey, and Connecticut, and even Massachusetts—profoundly distrust Mr. Blaine and will not support him for the Presidency. Whether their opposition be made effective for his defeat will depend, of course, on the alternative offered by the Democratic party next month, but if he be elected it will be through Democratic folly and not in any case by brass bands.

[*From the Buffalo Commercial—Rep.*]

It would be arrant hypocrisy for the *Commercial* to pretend to be satisfied with the result of the Chicago Convention. * * * The *Commercial* has freely criticized Mr. Blaine's availability as a candidate. We have said that we did not believe he could carry New York State, and that to elect him would demand the utmost exertions of the Republican party. To what we have said we adhere.

[*Boston Transcript* (*Rep.*), *June* 9.]

The Republicans of the country had a right to expect that their delegates at Chicago would place in nomination a man for whose career no explanation nor apology need be made, pledged by his record and present utterances to administrate reform, and whose broad and conservative judgment would be a guarantee of domestic prosperity and a security against the dangers of all ambitious and visionary policies. It is yet to be seen to what extent the Republicans throughout the country will ratify the selection of the convention. The effervescence attending the nomination, when first made, is visibly waning, although Mr. Blaine's campaign, to be a successful one, must have the same whoop and hurrah throughout that captured the Chicago Convention. We do not propose to reiterate the charge against James G. Blaine of using public position for private gain. Public opinion is fixed, we believe, as to the truth of that matter. But if this allegation could be fully met then there would still remain Mr. Blaine's floundering course as Secretary of State, his dangerous diplomacy while in that office, and the feeling this has produced in the community that his election would give the country a sensational rather than a safe President.

[*New York Staats Zeitung.*]

We would prefer that the country had been spared the danger of the election of such a President. It does not occur to us that Blaine is a weak character. His "magnetism" is no empty phrase. When he left Congress to become the head of the Executive (for he was the only head of the Garfield Administration) he was obliged to prop up his popularity by a combative foreign policy, which should tickle the vanity of the nation, so little did he regard the true interests of the people. To this course the man will always adhere, no matter in what position he may be. He is the boldest, ablest representative of all those who fight for that political power which misrepresents the people.

[*Wilmington News*, (*Rep.*), *June* 10.]

Those who regarded Blaine as an unavailable candidate are already justified in their judgment, their predictions and their fears. This movement on the part of the Republican press and in respect to the Republican candidate is startling by its suddenness, its determination and its extent. It adds squarely before the noise of the shouting at Chicago has fairly died away, a new element of uncertainty, as to every eastern State that has hitherto been conceded to be doubtful, and it distinctly adds Massachusetts to the list. It is too early yet to measure the full force and significance of this Republican revolt. That it exists at all is a striking evidence of the sagacity of those who regarded Mr. Blaine's nomination as injudicious. It brings into the opposition to the Republican ticket—not necessarily into the Democratic party—an intellectual and moral power which hitherto has been among the most cherished and useful of the Republican resources.

[*New Haven Morning News* (*Rep.*), *June* 7.]

Is that man going to build up the party whose nomination alienates some of its most honored leaders? Is the great army of Republicans to be consolidated under a commander who begins his first battle with a corps of Independent Republicans deserting from his standard? Is his selection the choice of a leader who will conciliate and unite rather than distract and weaken? A Republican National Convention has at last made one of those mistakes which it has so often had opportunities to charge upon its foes. Whether the error proves fatal depends largely on whether the coming Democratic National Convention gives voters only a choice of evils.

[*Chicago Evening Mail (Ind.)*, *June 9.*]

Is James G. Blaine Jay Gould's man? Despite his friendly relations with General Grant, Mr. Gould did his utmost to secure the nomination for Blaine in 1876 and again in 1880. Evidently he has not changed his mind in the past eight years. He is still for Blaine. Putting this and that together, the voters of the country have something upon which to cogitate. There are some forfeited land grants in which the people and Jay Gould have conflicting interests. Contingencies may at any time arise when it would be most convenient for Mr. Gould to have a stanch friend in the Presidential chair. Occasionally the veto is of inestimable value. Perhaps the impression that Mr. Gould stands behind him does the Maine statesman grievous wrong. It behooves Mr. Blaine and his friends to at once strive to disabuse the public mind. Otherwise mere suspicion will be mistaken for irrefragable proof as the canvass progresses. The people are not quite ready to elevate Mr. Gould to a place behind the throne greater than the throne itself.

[*From the Christian Union.*]

The nominations at Chicago have brought genuine grief to a large and very intelligent body of voters inside the Republican party. They were never more ardently attached to Republican principles than they are to-day, and they stand aloof rom their old-time fellowships in the crisis of a Presidential election with unfeigned regret. But they cannot do otherwise, again and again in the last eight years they have declared their unalterable determination not to support Mr. Blaine for the Presidency. Their opposition is not captious; they have come to distrust Mr. Blaine with reluctance, and have yielded to doubt only because they could not shut it out; they have never endeavored to impose any candidate of their own upon the party. It is through no fault of theirs that they now stand silent in a campaign to which they had looked forward as opening another and nobler chapter in the history of the nation.

[*From the Springfield Republican.*]

It is not to be wondered at that members of the Republican National Committee complain bitterly that "the cause" is without satisfactory newspaper advocacy. This is the first striking feature of the situation. The *New York Tribune* is playing light Blaine tunes, the *Commercial Advertiser* generally does the same, and of the weekly and illustrated papers *Frank Leslie's* may be counted on supporting the Republican ticket—and the trio represents a total circulation of perhaps 100,000 copies. On the other side is ranged almost solidly the rest of the press of the city, which stands for a circulation of over half a million copies, the *Times*, *Herald*, *Evening Post*, *Telegram*, *World*, *Staats Zeitung*, *Harper's Weekly*, *Puck* and *Sun*—which is certainly anti-Blaine—makingjup the interesting array. Whatever may be said about the influence of newspaper writing in determining the results of elections, it will not be denied that newspapers reflect to a great extent the local sentiment.

Independent Press on Cleveland.

[*New York Herald*, *July* 12.]

"The *Herald* puts at the head of its columns the Democratic ticket for President and Vice-President of the United States. We congratulate the Democratic party upon the work of its Convention at Chicago and the opportunity it offers to the American people, through a union of patriotic voters, by whatever name they call themselves—Democrats, Independents, Labor Reformers, or whatsoever else—to redeem the country from the disgrace and peril to which the Republichn party has plotted to expose it by the thoroughly bad nominations of Blaine and Logan.

"Cleveland's easy nomination on the second ballot yesterday justifies all that we have thought and said of the sound judgment and good sense of this Convention when put to a decisive test of choosing what is vital, sound and vigorous in the Democracy and what is very much the other way; and the convention is to be congratulated upon the fact that it has named the man who will be the next President.

[*Harper's Weekly*, *July* 19.]

"The nomination of Governor Cleveland defines sharply the actual issue of the Presidential election of this year. He is a man whose absolute official integrity has never been questioned, who has no laborious and doubtful explanations to undertake, and who is universally known as the Governor of New York, elected by an unprecedented majority which was not partisan, and represented both the votes and the consent of an enormous body of Republicans, and who as the Chief Executive of the State has steadily withstood the blandishments and the threats of the worst elements of his party, and has justly earned the reputation of a courageous, independent, and efficient friend and promoter of administrative reform. His name has become that of the especial representative among our public men of the integrity, purity, and economy of administration, which are the objects of the most intelligent and patriotic citizens. * * * * The nomination of Governor Cleveland is due not so much to the preference of his party as to the general demand of the country for a candidacy which stands for precisely the qualities and services which are associated with his name."

[*N. Y. Times*, *July* 12.]

It is not only in what he clearly represents but in what he distinctly opposes that Grover Cleveland is strong before the Amerıean people. His career has made him the exponent of clean and honest politics. In the administration of public trusts he has shown that he is superior to partisan bias, indifferent to such party interests as are in conflict with official probity and the public welfare. He has been severely tried in the important and responsible post he now occupies. He has resisted the importunities of designing politicians, he has defeated the purposes of selfish schemers. All those members of his own party who are not absorbed in private aims which are in conflict with the public good are outspoken in his praise; and he has won the good opinion of all Republicans who are not so far gone in partisanship as to have lost the power to commend upright conduct in a political adversary.

[*The Nation*, *July* 17.]

The nomination of Governor Cleveland by the Democratic Convention makes the way perfectly plain and simple for all friends of good government who are for any reason dissatisfied with the Republican candidate. This time the Democrats have made no mistake.

* * * * Cleveland has happily something far stronger than the promise of a strong character to commend him to the suffrages of good men of all parties. He is a tried administrator. One of the Blaine organs in its great agony has tried to relieve itself by calling him "a man destitute of experience." Of one kind of experience—experience in political trickery and manipulation, and in the art of making money for himself and his friends out of politics—he is, indeed, destitute. But the present extraordinary political crisis is due to the profound and growing popular belief that this kind of experience is too common among our statesmen, and that the Republican candidate in particular is too rich in it either for his own or his country's good. Of the kind of experience which the present situation in national affairs most imperatively calls for, experience in administration, Cleveland has more than any one who has entered the White House since 1860, more than any man whom either party has nominated within that period, except Seymour and Tilden—more than Lincoln, more than Grant, more than Hayes, more than Garfield, more than Arthur.

He laid at the start the best of all foundations for American statesmanship by becoming a good lawyer. He began his executive career by being a good county sheriff. He was next intrusted with the administration of a great city—as severe a test of a man's capacity in dealing with men and affairs as any American in our time can undergo. In both offices he gave boundless satisfaction to his fellow-citizens of both parties. His nomination for the Governorship of this State came in due course, and at a crisis in State affairs which very closely resembled that which we are now witnessing in national affairs. His election by an unprecedented majority is now an old story. It was the beginning of a revolution. It was the first thorough fright the tricky and jobbing element in politics ever received here. It for the first time in the experience of such politicans gave reform an air of reality."

[*From the Springfield* (*Mass.*) *Republican.*]

The Democratic party has come fully up to its great opportunity and placed in nomination for the presidency Governor Cleveland, of New York, with Hendricks, of Indiana, in the second place, as in 1876. It is the old ticket of 1876, with the new reforming Governor of New York in place of the old. This is a happy union of the available half of the ticket of 1876, and of the new and vigorous manhood of the party, with its recent experience in practical administration, and its just appreciation of the present issues. The nomination of this ticket gives the Democracy approximately an even chance of carrying the country. They have sound candidates upon a good platform.

[*From the Boston Herald.*]

With Cleveland as the Democratic candidate the composition of the two parties will be materially changed. Democrats who are in politics for the spoils and plunder they can get out of it, will, many of them openly, or secretly, go for Blaine. The better portion of the Republican party, embracing men of principle and independence, will furnish votes for Cleveland. If the Republican leaders are satisfied with the exchange they are not to be envied their capacity for being pleased. With a reform candidate, nominated by the Democratic party solely because he is and has always been a reformer, and is acceptable to the reform voters, it looks like the beginning of a practical reorganization of parties. It certainly looks like the beginning of the end of the Republican party, as at present organized and led. Defeat will do the Republican party good. Success will do the Democratic party good.

From the New York Staats-Zeitung.

It cannot be honestly denied that a change of parties in office, brought about without revolution, can only have a wholesome effect. No party can continue a long, uninterrupted possession of power without becoming a prey to corruption. The Republican party has furnished ample proof of this. Let there be an opportunity offered to the people for a change of parties of such a kind that the victors must give up all idea of a general distribution of the offices among their adherents and the people will joyfully agree to it. The nomination of Cleveland gives this guarantee. His record as chief magistrate of a large city and a great State has made him in the popular mind the prototype of a conscientious official, unwavering in principle, and one who, to the deep chagrin of professional politicians, has always held the public interest paramount to party considerations. Mr. Cleveland will certainly use the whole power of the Presidential office to purify the federal service, and to keep it pure, and this, above all, is expected by the people of the President. Wherever corruption has taken root he will not, as would be the case with a Republican President, have to exercise leniency, and he will take proper precautions in order that the corruption may not be continued under the Democratic *régime.* No earthly power will be able to induce him to let corruptionists use the influence of his high office.

His is the well-earned record of a personally pure man and a practical reformer of the public service. With conscientious zeal he watched over the doings of the legislative branch of the State government, and displayed the same conscientious care in scrutinizing and approving its acts. His reputation in this respect is an enviable one. These considerations will have the same wholesome effect in the elections as in the nominating Convention. The circumstances were and are such that a man of this stamp must be brought forward ; hence he has been given the preference over the most tried leaders of the party in national politics. No one expects that he will be a partisan leader in national politics, but it is expected that the purification of the public service, which he must undertake as chief of the executive branch of the government, will have a beneficial effect upon the morals of his party as well as upon all branches of the government. It is evident that for this very reason Mr. Cleveland will be the antipode of the Republican candidate for the Presidency. The personal character and record of the Republican nominee are such that they lead to the conclusion that under his administration corruption would be fostered more than ever and would completely poison the public service.

The point has been forcibly made in Chicago that Cleveland's strength among the German-Americans is especially great, and this has, as we learn from good sources, contributed essentially toward securing him the nomination. * * * * * * * The Germans were recognized in Chicago as a model political element, which holds reform measures paramount over all other considerations and which cannot be made to swerve from this deep rooted opinion by party consideration or that kind of patriotism commonly called State pride. Blaine's personal corruption has principally brought about the decided aversion of the Germans against him, and his identification with the Prohibitionists and Knownothingism has given additional strength to this aversion.

The Republican party has, since Blaine's nomination, entirely lost the hold it once had on the Germans, which had been greatly weakened after the slavery issue had been disposed of, and especially since the Republican party became a synonym for corruption. Hence, the nomination of Mr. Cleveland will make it especially advisable for the Germans to join *en masse* the Democratic party. The large Northwestern States, where the Germans have for so many years enabled the Republican party to maintain its power, have, under these circumstancee, become doubtful States, and we may expect a great political revolution in Indiana and Wisconsin, and perhaps even in Illinois.

Appendix.

Thomas Jefferson's Inaugural Address.

The first Democratic President, Thomas Jefferson, in his inaugural address on the 4th of March, 1801, promulgated the fundamental theories of government and constitutional construction, which still constitute the party creed. They should be studied and preserved in the minds and hearts of the people as an ever-living rebuke to the imperial tendencies of the Republican party. They are as follows:

"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations.

"Equal and exact justice to all men of whatever state or persuasion religious or political.

"Peace, commerce and honest friendship with all nations, entangling alliances with none.

"The support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies.

"The preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad.

"A jealous care of the rights of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided.

"Absolute acquiescence in the decisions of the majority—the vital principle of republics from which there is no appeal but to force, the vital principle and immediate parent of despotism.

"A well-disciplined militia, our best reliance in peace, and for the first moments of war, till the regulars may relieve them.

"The supremacy of the civil over the military authority.

"Economy in the public expense, that labor may be lightly burdened.

"The honest payment of our debts and sacred preservation of the public faith.

"Encouragement of agriculture and of commerce as its handmaid.

"The diffusion of information and the arraignment of all abuses at the bar of public reason.

"Freedom of religion; freedom of the press; freedom of the person under the protection of the habeas corpus; and trials by juries impartially selected.

"These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instruction—the touch-stone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which leads alone to peace, liberty, and safety."

William Allen's Definition of Democracy.

The fundamental principles of Democracy were never better stated than by that distinguished leader ex-United States Senator William Allen, of Ohio.

"Democracy is a sentiment not to be appalled, corrupted, or compromised. It knows no baseness ; it cowers to no danger ; it oppresses no weakness. Fearless, generous and humane, it rebukes the arrogant, cherishes honor, and sympathizes with the humble. It asks nothing but what it concedes ; it concedes nothing but what it demands. Destructive only of despotism, it is the sole conservator of liberty, labor and property. It is the sentiment of freedom, of equal rights and equal obligations. It is the law of nature pervading the land. The stupid, the selfish, and the base in spirit may denounce it as a vulgar thing ; but in the history of our race, the Democratic principle has developed and illustrated the highest moral and intellectual attributes of our nature. It is a noble, a sublime sentiment which expands our affections, enlarges the circle of our sympathies, and elevates the soul of man, until claiming an equality with the best, it rejects as unworthy of its dignity any political immunities over the humblest of his fellows. Yes, it is an ennobling principle ; and may that spirit which animated our revolutionary fathers in their contest for its establishment, continue to animate us, their sons, in the impending struggle for its preservation."

Samuel J. Tilden's Farewell Letter.

New York, June 10, 1884.

To Daniel Manning, Chairman of the Democratic State Committee of New York :

Sir—In my letter of June 18, 1880, addressed to the delegates from the State of New York to the Democratic National Convention, I said :

"Having now borne faithfully my full share of labor and care in the public service, and wearing the marks of its burdens, I desire nothing so much as an honorable discharge. I wish to lay down the honors and toils of even quasi party leadership and to seek the repose of private life.

"In renouncing renomination for the Presidency, I do so with no doubt in my mind as to the vote of the State of New York, or of the United States, but because I believe that it is a renunciation of re-election to the Presidency.

"To those who think my renomination and re-election indispensable to an effectual vindication of the right of the people to elect their rulers, violated in my person, I have accorded as long a reserve of my decision as possible, but I cannot overcome my repugnance to enter into a new engagement which involves four years of ceaseless toil.

"The dignity of the Presidential office is above a merely personal ambition, but it creates in me no illusion. Its value is as a great power for good to the country. I said four years ago, in accepting the nomination :

"'Knowing as I do, therefore, from fresh experience how great the difference is between gliding through an official routine and working out a reform of systems and policies, it is impossible for me to contemplate what needs to be done in the Federal administration without an anxious sense of the difficulties of the undertaking.

"'If summoned by the suffrages of my countrymen to attempt this work I shall endeavor with God's help to be the efficient instrument of their will.

"'Such a work of renovation, after many years of misrule, such a reform of systems and policies, to which I would cheerfully have sacrificed all that remained to me of health and life, is now, I fear, beyond my strength.'"

My purpose to withdraw from further public service, and the grounds of it, were at that time well known to you and to others; and when, at Cincinnati, though respecting my wishes yourself, you communicated to me an appeal from many valued friends to relinquish that purpose, I reiterated my determination unconditionally.

In the four years which have since elapsed, nothing has occurred to weaken, but everything to strengthen, the considerations which induced my withdrawal from public life. To all who had addressed me on the subject, my intention has been frankly communicated. Several of my most confidential friends, under the sanction of their own names, have publicly stated my determination to be irreversible. That I have occasion now to consider the question is an event for which I have no responsibility. The appeal made to me by the Democratic masses, with apparent unanimity, to serve them once more is entitled to the most deferential consideration, and would inspire a disposition to do anything desired of me if it were consistent with my judgment of duty.

I believe that there is no instrumentality in human society so potential in its influence upon mankind for good or evil as the governmental machinery for administering justice and for making and executing laws. Not all the eleemosynary institutions or the private benevolence to which philanthropists may devote their lives are so fruitful in benefits, as the rescue and preservation of this machinery from the perversions that make it the instrument of conspiracy, fraud and crime against the most sacred rights and interests of the people.

For fifty years, as a private citizen, never contemplating an official career, I have devoted at least as much thought and effort to the duty of influencing aright the action of the governmental institutions of my country, as to all other objects. I have never accepted official service except for a brief period for a special purpose, and only where the occasion seemed to require from me that sacrifice of private preferences to the public welfare.

I undertook the State administration of New York because it was supposed that in that way only could the executive power be swayed on the side of the reforms to which, as a private citizen, I had given three years of my life.

I accepted the nomination for the Presidency in 1876 because of the general conviction that my candidacy would best present the issue of Reform, which the Democratic majority of the people desired to have worked out in the General Government, as it had been in that of the State of New York. I believed that I had strength enough then to renovate the administration of the Government of the United States, and at the close of my term to hand over the great trust to a successor faithful to the same policy.

Though anxious to seek the repose of private life, I nevertheless acted upon the idea that every power is a trust, and involves a duty. In reply to the address of the committee communicating my nomination, I depicted the difficulties of the undertaking, and likened my feelings in engaging in it to those of a soldier entering battle, but I did not withhold the entire consecration of my powers to the public service.

Twenty years of continuous mal-administration under the demoralizing influence of intestine war and of bad finance have infected the whole governmental system of the United States with the cancerous growth of false constructions and corrupt practices. Powerful classes have acquired pecuniary interests in official abuses, and the moral standards of the people have been impaired. To redress these evils is a work of great difficulty and labor, and cannot be accomplished without the most energetic, efficient and personal action on the part of the Chief Executive of the Republic.

The canvass and administration, which it is desired that I should undertake, would embrace a period of nearly five years. Nor can I admit any illusion as to their burdens. Three years of experience in the endeavor to reform the municipal government of the City of New York, and two years of experience in renovating the administration of the State of New York, have made me familiar with the requirements of such a work.

At the present time, the considerations which induced my action in 1880, have become imperative. I ought not to assume a task which I have not the physical strength to carry through. To reform the administration of the Federal Government; to realize my own ideal, and to fulfill the just expectations of the people, would indeed warrant, as they could alone compensate, the sacrifices which the undertaking would involve. But, in my condition of advancing years and declining strength, I feel no assurance of my ability to accomplish these objects. I am, therefore, constrained to say, definitely, that I cannot now assume the labors of an administration or of a canvass.

Undervaluing in no wise that best gift of heaven, the occasion and the power sometimes bestowed upon a mere individual to communicate an impulse for good; grateful beyond all words to my fellow countrymen who would assign such a beneficient function to me, I am consoled by the reflection that neither the Democratic party, nor the Republic for whose future that party is the best guarantee, is now, or ever can be, dependent upon any one man for their successful progrsss in the path of a noble destiny.

Having given to their welfare whatever of health and strength I possessed, or could borrow from the future, and having reached the term of my capacity for such labors as their welfare now demands, I but submit to the will of God in deeming my public career forever closed.

SAMUEL J. TILDEN.

CONTENTS.

PAGES.
DEMOCRATIC PLATFORM 1–7
GOV. CLEVELAND NOTIFIED 8–10
GOV. CLEVELAND'S LETTER OF ACCEPTANCE 11–13
GOV. HENDRICKS NOTIFIED 14–16
GOV. HENDRICKS' LETTER OF ACCEPTANCE 17
LIFE OF GOV. CLEVELAND 18–21
PUBLIC RECORD OF GOV. CLEVELAND 22–78
LIFE OF GOV. HENDRICKS 79–82
PUBLIC RECORD OF GOV. HENDRICKS 83–89

RECORD OF BLAINE.

The Mulligan Letters 90–113
A Side Speculation 113
Press Comments 114–116
Blaine the Friend of Railroads 116–121
Blaine and the Miners 121–122

A RETURN TO CONSTITUTIONAL METHODS.

Democratic Principles 123
  De Tocqueville's definition 123
  Madison's rules of constitutional construction 123–125
  Justice Field's protest against centralization 125–126
  Horatio Seymour on State and Federal powers 126–128

PAGES.
REPUBLICAN TENDENCIES ... 128
  Hamilton's theory of government ... 128
  Blaine's revenue-centralization scheme ... 129–132
THE CENTENNIAL OF THE CONSTITUTION ... 132

ADMINISTRATIVE REFORM.

OPEN THE BOOKS ... 133–145
DEFALCATIONS OF UNITED STATES OFFICIALS ... 145–169

CIVIL SERVICE REFORM.

REPUBLICAN TENDENCIES ... 170
  Senator Hoar's arraignment ... 170
  Robber Barons ... 170–171
  Hubbell's letters of assessment ... 171–172
  Letters of the present campaign ... 172–173
DEMOCRATIC PRINCIPLES AND PROTESTS ... 173
  Senator Pendleton's speech ... 173–178

THE OVERTHROW OF MONOPOLIES.

HISTORY OF OUR PUBLIC LANDS ... 179
  How acquired ... 179
  How disposed of ... 180–185
LAND GRANTS TO RAILROADS ... 185–222
FOREIGN LAND OWNERS ... 222
UNLAWFUL FENCING OF PUBLIC DOMAIN ... 223-224

PROTECTION OF LABOR.

HISTORY OF BILLS IN 48TH CONGRESS ... 225
  Bureau of labor statistics ... 225
  Prohibition of contract labor ... 226–232
  The eight-hour law ... 232
  Miscellaneous bills ... 232–233
THE CHINESE QUESTION ... 234–241

PAGES.

PROTECTION OF PERSONAL LIBERTY.

Republican Tendencies.......... 242
  Mr. Joyce's bill.......... 242–243
  The Iowa liquor law.......... 244–247
  Mr. Blaine's sentiments.......... 247
Democratic Principles.......... 247

PROTECTION OF AMERICAN CITIZENS ABROAD.

Republican Neglect.......... 248
  Case of O'Mahoney.......... 248–249
  Case of McSweeney.......... 250–255
  Interesting correspondence.......... 255–257
  Case of O'Connor.......... 257
Democratic Principles and Protests.......... 258
  Senator Voorhees' speech.......... 258–260
  Governor Cleveland's sentiments.......... 260–262

OUR FOREIGN POLICY.

Importance of the Subject.......... 263
  Spanish-American commerce.......... 263–264
Dangerous Policy of Republican Party.......... 265
  Mr. Blaine's officiousness.......... 265–266
  The Chili-Peru affair.......... 266–272
  Boundary between Mexico and Guatemala.......... 272–274
Conservative Policy of Democratic Party.......... 274
  Sentiments of Washington and Jefferson.......... 274

HONEST MONEY FOR HONEST LABOR.

Mr. Hewitt's Speech.......... 275–279

THE INDEPENDENT TIDAL WAVE.

Its Significance.......... 280
Mr. Codman's Address.......... 280–283
Mr. Curtis' Address.......... 283–285

PAGES.
Mr. Schurz's Address..........285–287
Independent Press on Blaine..........287–291
Independent Press on Cleveland..........291–293

APPENDIX.

Thomas Jefferson's Inaugural Address.......... 294
William Allen's Definition of Democracy.......... 295
Samuel J. Tilden's Farewell Letter..........295–297

Emerson E. Ballard

THE

POLITICAL REFORMATION

Emmerson E. Ballard, Es

OF Greencastle
Ind

1884.

A Democratic Campaign Book.

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